

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.40512 of 2020 (O&M)

Date of Decision: 02.05.2022

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Amit Kohar, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.353 dated 23.07.2019, under Sections 342, 364-A, 386, 506, 120-B, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station HTM, Hisar.

Brief facts of the case are that on 22.07.2019 at about 12:30 PM, when complainant- Rajinder Kumar was alone at his shop-Dahiya Property, three persons came there and asked him that they require a plot and after talking, accompanied complainant in their vehicle to see the plot. After selecting one plot, they again made the complainant to sit in their vehicle. At some distance, two persons sitting on his both sides took out a pistol and pointed at him. He was asked to sit quietly and if any alarm is raised then they will shoot him. Thereafter, they gave beatings to the complainant and threatened him. Eyes of the complainant were also closed with a piece of cloth and asked him to arrange Rs.7 Lakh, otherwise he would be killed and

his son & wife shall be abducted. Accused persons took away total amount of Rs.5,55,500/-.

This Court, on 12.02.2021, in the main case, passed the following order:-

“ *Learned counsel for the petitioner has made a reference to the cross-examination of PW1 Rajender Kumar, which inter-alia says as under:-*

“Today I have seen the accused Vinod present in the court and also seen the remaining accused namely Suresh, Anoop, Sanjay and Dharam Chand @ DC through video conferencing, they are not those persons who had kidnapped me, beaten and threatened me and had taken ₹ 5,55,500/- as ransom. I have also seen the statement Ex.P2 but this statement was not given by me to the police. I had not identified the accused persons nor the police got identified the accused persons. I also seen the memo of identification Ex.P3 which bears my signature at point-A but this memo was not prepared in my presence by the police. Police had obtained my signature on blank papers. I had not identified the accused Anoop Kumar son of Kewal, Suresh Kumar son of Dwarka, Sanjay Kumar son of Jaibir, Dharam Chand @ DC son of Sarwan Dass and Vinod son of Mahabir Parsad. It is also incorrect to suggest that I had given the statement Ex.P4 to the police. It is also incorrect to suggest that I had got demarcated the place of occurrence to the Halqa Patwari Om Parkash. It is incorrect to suggest that Halqa Patwari prepared scaled site plan in my presence.”

Faced with the situation, learned State counsel seeks time to have instructions in the matter.

Posted on 27.04.2021.

Since the complainant (PW-1) is not supporting the prosecution case, therefore, let petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate,

concerned. ”

Learned Counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court and proceedings are going on smoothly.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 12.02.2021, is confirmed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

May 2nd, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>