

(209) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41567-2022
Date of Decision: 16.09.2022

Sunil @ Kukka

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jasvir Yadav, Sr. Advocate for with
Mr. Tarun Yadav, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0166 dated 17.06.2021 registered under Sections 147, 149, 323, 325, 341, 342, 365, 379-B, 120-B of the IPC (Sections 379-A, 379-B IPC deleted and Section 148 IPC added later on) with the Police Station Dujana, District Jhajjar.

2. The brief facts of the case are that one Damanjeet moved an application to the Station House Officer, Police Station Dujana stating that on the previous evening, his brother Manpreet @ Honey had gone to village Surkhpur on a scooty. He was accompanied by Nitin son of Vijay on another bike. There Tarun son of Vijay, Mohit and eight other boys had come in a black Verna and white Swift Dzire who beat his brother Manpreet @ Honey and kidnapped him in their Swift Dzire car and also took his scooty with them. This was told to him by Nitin. He had been searching for his brother

but could not trace him. Based on these allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and is only involved on the basis of the statement of his co-accused which has no evidentiary value in the eyes of law. Section 379-B IPC had been deleted and all other offences were triable by the Court of a Magistrate. The petitioner has been in custody since 01.06.2022 and none of the 30 prosecution witnesses had been examined. Therefore, the further incarceration of the petitioner was not required, *moreso*, when he has clean antecedents. The co-accused of the petitioner has been granted the concession of regular bail by this Court vide orders dated 02.09.2022 passed in CRM-M-38750-2022 and 14.09.2022 passed in CRM-41148-2022.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused. In fact, Manpreet @ Honey had been beaten up and kidnapped and a few months after the occurrence had committed suicide as he was being pressurised to repay the loan advanced to him. He thus, contends that the petitioner does not deserve the concession of regular bail. He however, does not dispute the custody period undergone by the petitioner.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 19.04.2022. He has clean antecedents and is not involved in any other case. None of the 30 prosecution witnesses have been examined so far and therefore, the trial is

not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sunil Kukka son of Sanjay is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the case mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.09.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No