

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46085-2022

Date of Decision: 10.11.2022

Naveen

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.401 dated 31.8.2016 registered for the offences punishable under Sections 364-A, 387, 511, 216, 120-B IPC and Section 25 of Arms Act at Police Station Kaithal City, District Kaithal.

Counsel for the petitioner submits that initially the petitioner was granted bail vide order dated 25.2.2019 (Annexure P-2) but later on, he jumped bail and was re-arrested on 3.8.2021 and since then, he is languishing behind the bars. He further submits that during the trial, the complainant was declared hostile witness as is evident from Annexure P-13 and that similarly situated co-accused Rajiv Kumar has been given benefit of regular bail by this Court vide order dated 5.9.2022 (Annexure P-18).

Present petition is contested by the State counsel who submits that previously also, the petitioner was declared as proclaimed offender and

was later on, re-arrested on 3.8.2021 and that the trial is going on. However, he on instructions from ASI Rajesh Kumar has not refuted the fact that the complainant, while appearing in the witness box, has been declared hostile and that similarly situated co-accused Rajiv Kumar has been given concession of regular bail vide order Annexure P-18.

I have considered the submissions made by the counsel for the parties.

As per the allegations appearing in the FIR on 31.8.2016 at about 5:30 pm complainant-Dr. Rajiv Sood was sitting in his clinic i.e. Sood Eye and Maternity Hospital and in the meanwhile two boys came there and they introduced themselves as Naveen Kavalpuriya and Vijay Pandit and told the complainant that Surender Gyeong and Kaushal resident of Gurugram had sent them and then Naveen put his mobile phone on the ear of the complainant and asked him to talk to the person who was on the other side of the phone and the said person identified himself as Surender Gyeong and told the complainant to hand over Rs.20 lac to said two boys or otherwise he would kill him and his family. On this, the complainant made request to give him some time and then the said caller told the complainant that his boys would again come after some days to take money or otherwise to face dire consequences, then the said boys left the clinic of the complainant. After some time the complainant reported the matter to the police.

Admittedly, now the petitioner is in custody since 3.8.2021 and from the perusal of Annexure P-13, it appears that the complainant while appearing in the witness box, was declared hostile. However, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by

keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 10, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No