

2023:PHHC:076577

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CRM-M-4962-2023

Date of decision : 25.05.2023

Amit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.P.Verma, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

(1) Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.383 dated 31.08.2021 registered under Sections 341, 365, 379-B, 384, 506 and 34 IPC at Police Station City Bahadurgarh, District Jhajjar.

(2) Briefly stated, the case of the prosecution is that the petitioner, alongwith co-accused-Pardeep, Sahil and Sandeep, kidnapped the complainant and then forcibly made him to execute documents transferring plots of land as also snatched Rs.1,20,000/- from him.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 21.06.2022; the petitioner was named by the complainant after five months of the alleged incident which clearly shows that his name was included as an after-thought; the investigation in the case is complete and therefore the petitioner is in no position to influence the same; co-accused Sandeep and Pardeep have been granted regular bail by the Sessions Court at Jhajjar and that the petitioner's trial in which till date

not even one witness of the prosecution has been examined, shall take a long time to conclude.

(4) Learned State counsel opposes the grant of bail to the petitioner on the ground that he has other criminal cases pending against him and if released on bail, he is likely to indulge in similar offences as also influence the course of his trial.

(5) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(6) The petitioner is in custody since 21.06.2022; investigation in this case is complete and therefore he is in no position to influence the same; similarly placed co-accused namely Sandeep and Pardeep have already been granted regular bail by the Sessions Court at Jhajjar and that the petitioner's trial in which till date not even one witness of the prosecution has been examined, is likely to take a long time to conclude.

(7) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jhajjar, the petitioner is directed to be released on bail.

(8) It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

(9) It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on the 1st of each month in the concerned police station and

that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

(10) The SHO of the concerned police station is further directed to maintain a record with regard to the above and after every six months forward a copy of the same to the concerned Superintendent of Police for information.

25.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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