

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

CRM-M-22475-2022
Date of Decision:-**06.02.2023**

RINKU ALIAS RINKU YADAV

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Shiv Kumar Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.4 dated 5.1.2022 registered under Sections 364-A IPC and Sections 343, 379-B, 120-B, 506 IPC added later on at Police Station SGM Nagar, District Faridabad.

The counsel for the petitioner submits that the FIR in this case was registered on the basis of statement recorded by complainant-Rinki alleging that her husband Rajiv was abducted by some unknown person, who also demanded ransom. The counsel further submits that during investigation, the petitioner was arrested and is behind the bars since last

more than 11 months and is having no criminal history and that during the trial, aforesaid Rinki and her husband Rajiv have not supported the case of prosecution. The counsel for the petitioner submits that no purpose is served by keeping the petitioner behind the bars.

The instant petition is resisted by the State counsel, who submits that the present petitioner is master mind behind the kidnapping of Rajiv and the victim was recovered only from the custody of the petitioner by the police. However, the State counsel is not disputing the fact that the petitioner is in custody since last 11 months and trial is going on.

Status report dated 23.12.2022 has been received from the learned Trial Court along with the copies of depositions of complainant-Rinki and her husband Rajiv.

Even the counsel for the petitioner today provided testimonies of the said witnesses, which are taken on record.

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

As per the custody certificate furnished by the State counsel, the petitioner is recorded to be in custody for the last more than 11 months and is having no criminal antecedents.

As per the prosecution version, complainant-Rinki reported to the police about the kidnapping of her husband Rajiv by some unknown persons who also demanded ransom from her. However, from the perusal of the depositions of Rinki and Rajiv, it is clear that while appearing in the witness box, they failed to support the case of prosecution.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

06.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No