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(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26109-2023

Date of Decision: 29.05.2023

SAGAR @ PUNEET @ CHOTTA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.476 dated 28.07.2021 registered under Sections 364-A, 34 IPC at Police Station Samalkha, District Panipat.

2. The brief facts of the case are that the statement of one Atul Prajapat son of Sugreev Prajapat was recorded to the effect that on 25.07.2021 his friend Tarun Yadav made a WhatsApp call to him and asked him to come to Sector 18, Noida. There he (Tarun Yadav) made him forcibly sit in a car where three or four persons were already present carrying a pistol. They demanded Rs.5 lakhs from his (complainant's) parents on phone. Then they took him to Sonapat, Uttar Pradesh and thereafter, to a Dhaba on GT Road, where he was given beatings and money was demanded. Then his (complainant's) father deposited a sum of Rs.70,000/- in his account and the

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said amount was withdrawn by the kidnappers with his (complainant's) ATM Card. Finding an opportunity, he escaped the kidnappers and informed the police. The kidnappers were calling each other with names such as Mohit, Monte and Sagar @ Puneet @ Chhota (petitioner). Strict action was sought against the accused.

3. The learned counsel for the petitioner contends that the co-accused of the petitioner namely, Pankaj @ Monte @ Mohit, Jasbir Rana @ Ruder and Gagandeep have been granted the concession of bail vide orders 16.03.2021, 22.03.2021 and 29.03.2022 respectively. Vijay, another co-accused has been granted the concession of anticipatory bail by this Court vide order dated 01.06.2022. As the petitioner was in custody since 02.01.2023 and only 01 out of the 15 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the serious nature of the allegations did not entitle the petitioner to the grant of bail. He, however, concedes that the co-accused have been granted the concession of either regular bail or anticipatory bail as also the fact that only 01 out of the 15 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Admittedly, the petitioner is in custody since 02.01.2023 and only 01 out of the 15 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not

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likely to be concluded anytime soon. In this 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-Sagar @ Puneet @ Chhota son of Raghubir @ Raghbir 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 cases 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. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.05.2023

JITESH

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