

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-27200 of 2023 (O&M)  
DATE OF DECISION: 04.07.2023

|                  |        |               |
|------------------|--------|---------------|
| Anand            | Versus | ...Petitioner |
| State of Haryana |        | ...Respondent |

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Ramnish Puri, Advocate,  
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

**ARUN MONGA, J. (ORAL)**

Aggrieved on being declined bail by the learned trial court, petitioner before this Court, seeks his release as undertrial in criminal case bearing FIR No.315 dated 22.11.2021, registered under Sections 384, 342, 365, 506, 34, 120-B of IPC and 25 of Arms Act 1959 at Police Station Civil Lines, District Jind.

2. Per FIR, the accused, including petitioner, in criminal conspiracy with each other, armed with weapons, abducted complainant Ghanshyam. They then demanded Rs.70 lakh from the complainant as ransom. Eventually, the complainant negotiated and paid Rs.7 lakh to a person known to accused Aman Chaudhary. The complainant was then let off. As per prosecution version, an amount of Rs.5,000/- was determined as share of the present petitioner from the ransom booty, out of which Rs.1,150/- has been recovered from him. Subsequent to the FIR, petitioner was arrested on 10.01.2023 in course of the investigation.

3. Learned counsel for petitioner *inter alia* contends that petitioner has been falsely implicated in the present case due to personal grudge of

complainant and local politics. Nothing is to be recovered from possession of petitioner. Investigation is complete. Challan has been presented and charges have been framed. Furthermore, he points out that there are total 16 prosecution witnesses in all and so far only 2 witnesses have been examined and there is no likelihood of trial being concluded any time soon. He submits that complainant has also already been examined. No useful purpose would be served by keeping petitioner in further preventive custody. Case herein is triable by the Court of learned Magistrate.

3.1 In addition to the grounds canvassed hereinabove, learned counsel for the petitioner relies on Section 437(6) Cr.P.C. In view thereof, he urges that petitioner is entitled to be released on bail as he has been kept in custody for no fault of his. On one hand, trial has not been concluded, within a period of 60 days, as is the mandate under Section 437 (6) *ibid*, while on the other hand, inordinate delay is also likely to be caused as the prosecution is not even taking requisite steps to arrest the co-accused. Same would result in delay of the trial.

3.2. Learned counsel further points out that the period of 60 days in the present case began with effect from 06.04.2023, when the case was fixed for recording testimony of first prosecution witness. Said day is to be reckoned as first day of the trial as envisaged under Section 437 (6) Cr.P.C.

4. Per contra, learned State counsel on instructions from ASI Pardeep Kumar opposes the bail petition. He submits that petitioner has been in jail just for a period of about 6 months. He does not deserve concession of bail at this stage. On a Court query, he informs that no other case is pending against the petitioner.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Petitioner is in custody in this case since 10.01.2023. Investigation is complete. Challan has been presented. Out of 16 witnesses, only 2 have been examined and 14 witnesses are yet to be examined. Trial is

**CRM-M-27200-2023 (O&M)**

still likely to take long time, whereas petitioner has already been languishing in jail for the past around 06 months in preventive custody.

7. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

8. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

10. It is made clear that any observations made hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

**04.07. 2023**  
vandana

**(ARUN MONGA)**  
**JUDGE**

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