

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

**CRM-M-29319-2022
Date of Decision: 06.02.2023**

Tarun @ Baba

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.661 dated 14.10.2021 (Annexure P-1), under Sections 323, 341, 364-A, 511, 506, 34, 120-B and 476 of Indian Penal Code, 1860, registered at Police Station Sector 10-A (Sector 10 mentioned in FIR), District Gurugram.

Custody certificate dated 05.02.2023 of the petitioner filed by learned State counsel in Court today is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case/ FIR, which was lodged on the complaint of Jatin Mittal. Learned counsel submits that the petitioner has

been nominated as an accused on the basis of an alleged disclosure statements of co-accused Vikas S/o Ashok Kumar, Heera @ Harsh @ Billi S/o Vikramjit Singh and Anshu S/o Anwar Singh. Learned counsel for the petitioner submits that the petitioner was not present at the spot and only the above named three persons were present at the spot who were also identified in Test Identification Parade. It is further submitted that a toy pistol has been foisted upon the petitioner and a false recovery has been shown. Learned counsel submits that Section 365 IPC has been deleted and Section 364-A has been added in this case. It is submitted that investigation of the case is complete, challan has been submitted and the charges have already been framed on 16.09.2022 and there are total 21 witnesses, out of which 4 private witnesses have been examined and only official witnesses remain to be examined. It is further submitted that the petitioner is in custody since 03.12.2021 and his total custody is 1 year, 2 months and 3 days as on 05.02.2023. While referring to para 10 of the status report filed by the learned State counsel, it is stated the following role has been ascribed to the petitioner:

“ That the role of the petitioner Tarun @ Baba in the present case is that he is the accused for the offence under Section 120-B IPC. The co-accused Geeta was having knowledge about the cash lying in the house of the complainant. She told about this to co-accused Sanjay and made the plan to kidnap his brother Laksh Mittal for ransom. Sanjay told about the said plan to the petitioner Tarun @ Baba. He also joined the conspiracy and sent his three men i.e. Anshu, Vikas and Hira @ Harsh to kidnap Laksh Mittal. The said three persons

tried to kidnap Laksh Mittal near Blue Bells School, Sector-10, Gurugram, however, they could not succeed and they ran away.”

Learned counsel submits that the petitioner is not involved in any other case and trial is likely to take time. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, learned State counsel does not dispute the fact that charges have been framed on 16.09.2022 and all private witnesses have been examined. It is also not disputed that the present petitioner has been in custody since 03.12.2021 and the trial is likely to take some time.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

In this case, the investigation is complete and charges have been framed on 16.09.2022. Out of total 21 witnesses, 4 private witnesses have already been examined and only official witnesses are remaining to be examined. The petitioner has been in custody since 03.12.2021 and his total custody is 1 year, 2 months and 3 days (as on 05.02.2023) and the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial

Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

06.02.2023*Himani***(HARSH BUNGER)
JUDGE**

- | | |
|--------------------------------|--------|
| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |