

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

CRM-M-38820-2023 (O&M)

Reserved on: 30.10.2023

Pronounced on: 02.11.2023

VIJAY PANDIT @ AMIT @ ISHWAR

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Siddarth, Advocate, and
Ms. Poonam Rani, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.401 dated 31.08.2016 registered at Police Station City, Kaithal, under Sections 216/364A/387/511/120B IPC and Section 25 Arms Act.

2. As per prosecution allegations, petitioner along with co-accused had gone to the clinic of Dr. Rajiv Sood and after telling that they belonged to gang of Surender Geong and Kaushal, residents of Gurgaon, made the complainant to talk on mobile and demanded ransom of ₹20 lakh.

3. It is contended by ld. counsel that petitioner was earlier allowed regular bail vide order dated 25.03.2019 passed in CRM-M-10541-2019 (Annexure P2). However, in the year 2021, on account of Covid 19

Pandemic, petitioner had gone to Kolkata for business purpose and could not return in time. Despite his request to his counsel, said counsel neither informed the Court nor moved application for exemption. As he returned from Kolkata on 21.02.2022, he was arrested by the police in another case FIR No.46 dated 27.01.2022 registered at PS Dhauj, District Faridabad under Section 379 IPC and 25 of the Arms Act and was put behind bars. Ld. counsel further contends that similarly placed Rajiv Kumar, who was also declared proclaimed person after being allowed bail, has already been allowed bail by a Coordinate Bench of this Court vide order dated 05.09.2022 (Annexure P3) passed in CRM-M-12331-2022. Still further, it is contended that complainant of the case Dr. Rajiv Sood, during his testimony before the trial Court, has not identified the petitioner. With these submissions, prayer is made for grant of regular bail.

4. Ld. State counsel has opposed the bail petition by submitting that after being allowed concession of bail, petitioner misused the same and had been declared proclaimed person.

5. However, it is not disputed by ld. State counsel that complainant of the case Dr. Rajiv Sood has not established the identity of the petitioner as an accused in his testimony. Besides, the custody certificate reveals that petitioner is in custody for the last 2 years 3 months and 17 days in the present case. Although petitioner is involved in other cases also, but this fact cannot be ignored that complainant in his testimony has not established the identity of the petitioner as accused.

6. Having regard to the above facts and circumstances, but without commenting anything further on merits of the case, petitioner is

admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Present petition is accordingly allowed.

02.10.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
Yes/No