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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47947-2023
Date of decision: 17.11.2023

JOGINDER @ JASSI

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ankit Bhalotia, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.360, dated 17.05.2023, under Sections 387, 120-B, 34 of the IPC and Sections 25 (1-B) (A), 25 (1-B) (C) of the Arms Act, registered at Police Station City Hisar, District Hisar, Haryana.
2. Status report has been filed by way of affidavit of Deputy Superintendent of Police, Detective, Hisar by the learned State counsel, which is taken on record. Copy has been supplied to learned counsel for the petitioner and he has stated that he has perused the same.
3. Learned counsel for the petitioner submitted that the petitioner is in custody from 18.05.2023, which is almost 6 months and challan in the present

case has been presented before the competent Court but no prosecution witness has been examined and charges are yet to be framed. He further submitted that as per the allegations, the complainant informed the police that two unknown persons had come to his shop in which he was sitting and they asked him for a token of Rs.40/- since the shop was of chat bhandar. One of them handed over a letter to the complainant and he was also carrying a fire arm and he asked him to read the said letter and gave him two days' time and thereafter, they both fled away. When the complainant opened the letter it was written on it that they want Rs.10 crores from him otherwise they will shoot him. He further submitted that the petitioner is not involved in any other case and has been falsely implicated in the present case since the FIR is against two unknown persons and therefore, the petitioner may be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, DAG, Haryana while referring to the aforesaid affidavit dated 16.11.2023 filed by the State submitted that although as per the allegations in the FIR, two unidentified persons had come to the shop but the Test Identification Parade was held in the presence of learned Chief Judicial Magistrate, Hisar and the present petitioner was identified by the complainant. He further submitted that the allegations were pertaining to seeking ransom of Rs.10 crores from the complainant and the petitioner has been identified in the Test Identification Parade by the complainant. He also submitted that the matter is of utmost serious concern considering the aforesaid facts and circumstances and there is every likelihood that in case the petitioner is released on bail then he may not only repeat the

offence but may even abscond from justice. He further submitted that the charges in the present case have not been framed yet and the total custody of the petitioner is about 6 months and there is a strong apprehension that in case the petitioner is released on bail then he may even influence the witnesses especially the complainant and therefore has vehemently opposed the grant of regular bail to the petitioner.

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

6. The petitioner is in custody from 18.05.2023, which is almost 6 months and charges have not been framed in the present case till date. Considering the aforesaid allegations against the present petitioner, the strong apprehension expressed by the learned State counsel and also considering the gravity of the aforesaid offence particularly the fact that as per the learned State counsel, the petitioner was identified by the complainant during the Test Identification Parade in the presence of learned Chief Judicial Magistrate, Hisar, the petitioner does not deserve the concession of regular bail in view of the gravity of the allegations in the present case.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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