

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

CRM-M-55078-2022
DECIDED ON: 30.05.2023

SHYAMBIR @ BABU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Arun Kumar Gujjar, A.A.G., Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition preferred under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') is for the grant of regular bail to the petitioner in FIR No.143 dated 14.03.2023 registered under Sections 387 and 506 of Indian Penal Code (for short 'IPC') at Police Station Mujesar, District Faridabad.

2. On a complaint submitted by one Devender Kumar Gupta, the present FIR was registered. On 11.03.2022, two letters were received by the son of the complainant namely Tarun Gupta. The said letters were opened by the complainant and found that the Neeraj Bawana Gang had demanded a ransom of ₹20,00,000/- from the complainant. It was stated in the letters that in case the demand was not fulfilled, the complainant Devender Kumar Gupta, his son Tarun Gupta and daughter-in-law Anita Gupta would be killed. The matter was reported to the police and the FIR was registered. The present petitioner was arrested on 02.09.2022.

3. Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated. He further submits that the petitioner is in custody since 02.09.2022; more than 8 months have elapsed; out of a total of 13 witnesses, only two witnesses have been examined and, therefore, trial will take sufficiently a long time. Learned counsel further submits that even otherwise a compromise has been arrived at between the petitioner and the complainant and a petition for quashing of FIR on the basis of compromise i.e. ***CRM-M-26175-2023*** titled as ***Shyambir @ Babu Vs. State of Haryana and Another*** has been filed in which even statements of the parties have been recorded before the trial Court and now the matter is fixed for hearing on 17.07.2023. Learned counsel submits that no useful purpose would be served by keeping the petitioner in custody any longer.

4. On the other hand, learned counsel representing the State of Haryana has opposed the bail petition. However, the custody period of 8 months and 25 days is stated to have been undergone by the petitioner as per the custody certificate filed in the Court today. As per the custody certificate, no other case stand registered against the petitioner.

5. I have considered the submissions made by learned counsel for the parties.

6. The petitioner is in custody for the last more than 8 months. Out of a total of 13 witnesses, 2 witnesses have yet been examined meaning thereby that the trial will take a sufficiently long time to conclude. Though the parties having arrived at a compromise is not of much consequence as the offences are non-compoundable but the fact that cannot be lost sight of is that a petition for quashing of FIR on the basis of compromise already stands filed and in pursuance of the orders passed in ***CRM-M-26175-2023*** titled as ***Shyambir @ Babu Vs. State of Haryana and Another***, statements of the

parties have already been recorded and the matter is now listed on 17.07.2023.

In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer who is already in custody for the last more than 8 months, the petitioner is not known to be a previous offender.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate Faridabad.

30.05.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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