

CRM-M-55074-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.209

Case No. : CRM-M-55074-2022

Date of Decision : May 05, 2023

Harinder Singh @ Sobhan Petitioner
vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Munish Behl, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Pankaj Bali, Advocate
for Mr. Parveen Sharma, Advocate
for the complainant.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.285 dated 14.08.2022, under Sections 120-B, 365, 379-B IPC, 1860 and Section 25 of the Arms Act, 1959 (later, Sections 386, 506, 201 IPC added and Section 25/54/59 of the Arms Act, 1959 deleted), registered at Police Station Mullana, District Ambala (Annexure P-1).

The case in question was registered at the instance of Narender Singh Bilma resident of Patti Bagheru, Village Mullana.

As per the version of prosecution, the complainant had one son namely Digvijay Singh aged about 12 years. On 14.08.2022, his wife Nirmal had gone to market in connection with some work and he had come

to Chandigarh. His wife telephonically informed him that out of the money kept in the locker at home, a sum of Rs.3,50,000/- was found less. On inquiry from his son, he told that when he was going to play cricket at around 04:00 PM, one vehicle stopped near him in which their servant Suraj was also sitting. His son was made to sit in the vehicle forcibly and by frightening him, he was brought to the home. Since his son and servant Suraj – both were aware of the password of the locker, a sum of Rs.3,50,000/- and a gold bracelet were taken away from the locker. On thorough inquiry by the complainant, his servant Suraj told that the vehicle belonged to the petitioner and on making further inquiry, Suraj ran away from the house out of fear. The complainant's son told him that there were three persons in the Safari vehicle.

Status Report by way of an affidavit of Rajneesh Kumar, HPS, Deputy Superintendent of Police, Barara, District Ambala, on behalf of State of Haryana, is there on the file. A perusal of the Status Report dated 07.03.2023 shows that on 15.08.2022, supplementary statement of the complainant was recorded, wherein he disclosed that on checking of all the articles of the house, lockers and jewellery etc., 10,000 US Dollars and a gold armlet were also found missing from the house and on inquiry from his son Digvijay Singh, he told his father that the gold armlet and the afore-said US Dollars had already been given to the petitioner around two months ago. On 15.08.2022, the petitioner was apprehended. In his disclosure statement, the petitioner got recovered Safari car used in the crime. The petitioner also led the police party to IIFL Finance Company, where the concerned Manager told that the petitioner had taken Rs.1,25,000/- by mortgaging one

gold kara and one gold finger ring.

Learned counsel for the petitioner has submitted that the statements of complainant and his wife have already been recorded. However, they did not support the prosecution version. The petitioner has been falsely implicated in this case under a well-planned conspiracy. The petitioner was in fact arrested on 12.08.2022 by the police. Recording of CCTV Camera of Police Station Mullana, for period from 12.08.2022 to 15.08.2022, was accordingly sought but police did not provide the said information on the pretext that due to battery failure of DVR, there was no recording for the said period in the DVR. The document dated 22.08.2022, issued by the SHO Police Station Mullana, has been placed on the file as Annexure P-2. It has further been submitted that in fact, the petitioner was arrested on 12.08.2022 and was given beatings by the police. Therefore, his medical was also not got conducted by the police. Learned counsel for the petitioner has further submitted that the prosecution story is totally silent about the fact as to from where complainant's son was kidnapped. It has further been apprised to this Court that the gold bracelet in question was in fact of the petitioner and the same was pledged by the petitioner with IIFL Finance, on 27.06.2022. The complainant and alleged kidnapped child have not supported version of prosecution during trial. With all these submissions, it has been prayed that the petitioner be released on bail.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner but he has fairly admitted that the petitioner is in custody since 15.08.2022 and also that the complainant has not supported the prosecution version.

Heard.

In view of the aforesaid facts and circumstances of the case, it is clear that challan has been presented in this case; the charge has already been framed; the complainant and kidnapped child have not supported the prosecution version during trial; the other witnesses are official witnesses and culpability of the petitioner would be determined during trial of the case. Therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars any more.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

May 05, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.