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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-433 of 2024
Date of decision:- 24.01.2024

DILAWAR @ BITTU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mayank Yadav, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 20.01.2024 of Additional Superintendent of Police, Mahendergarh, District Mahendergarh. the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case :-

FIR No.	Dated	Sections	Police Station
639	09.09.2023	386, 506 IPC (120-B, 201 IPC and 25 of Arms Act added later on)	City Narnaul, District Mahendergarh.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the FIR was registered against unknown persons and the present petitioner has been accused on the basis of disclosure statement made by co-accused. He submits that petitioner is in custody since 10.09.2023 and the challan has already been presented in Court, as such he prays for grant of concession of bail.

4. Learned State counsel has opposed the bail application by referring to the reply dated 20.01.2024 and submits that no doubt the petitioner was not named in the FIR but during investigation the police has recorded the statement of person from whom the mobile phone was purchased by the petitioner and from the CCTV coverage of the said shop the petitioner as well as co-accused Surender @ Bholu were identified and nominated and accordingly arrested in this case. He submits that a country made pistol has been recovered from the possession of the petitioner which was taken into police possession. He submits that challan has been presented in Court after investigation for trial.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint moved by Vinit Kumar stating that on 08.09.2023 he received a telephonic call on his mobile whereby some unknown person demanded ransom of ₹10 lacs within 5 days and also threatened to kill him in case of failure, on the basis of such complaint the FIR was registered and during the course of which the petitioner was arrested on 10.09.2023. After conclusion of investigation

challan has been presented in Court. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No