

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-1863-2024 (O&M)
Date of Decision:-10.4.2024

Rahul ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
633	23.8.2023	City Hansi, District Hisar, Haryana	147, 148, 149, 365, 379-B of Indian Penal Code, wherein offence under Section 325 IPC was added later on

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned
FIR.
2. The translated gist of FIR reads as under:

“The brief facts of the present case are that on 22.08.2023, ASI Jai Singh and EHC Gaindoor were present in the area of Police Post, Sector 6, HUDA Hansi when an information was received from the Police Control Room that a boy had been kidnapped by 5-6 boys from the front of Nehru College Barwala Road, Hansi. Upon the information, police party reached Nehru College, Barwala Road, Hansi where it was revealed that the abducted boy was named Amit son of Balbir Singh. His father was contacted, who informed that his son has

been abducted by Monu @ Gaurav Poonia, Jacha @ Jai Chand and their accomplices. They had inflicted injuries upon him and also snatched away his mobile phone, chain and money. They had got their son admitted at Bharat Hospital, Hisar. Police party reached Bharat Hospital, Hisar where the doctor opined the injured unfit to make the statement. Statement of Balbir Singh, father of injured was recorded wherein he alleged that on 22.08.2023 at about 10.30 a.m. his son had gone to Hansi to take medicines for some urinary tract disease. Anil resident of Bhatla called him and informed that 5-6 boys had abducted Amit in a car from the front of Nehru College, Hansi. Upon the information, he reached Hansi. There he received a telephonic call from an Ambulance driver that his son was admitted in Civil Hospital, Tohana and had been referred to MAMC, Agroha. Upon the information, he alongwith his nephew Kuldeep reached Tohana. There Amit told him that he had gone to take medicines at Hansi and was sitting on a motor-cycle outside Nehru college. Suddenly 2 cars arrived, three boys alighted from the car and dragged him in one of them. In the moving car, they snatched his mobile phone, silver chain of 5 tolas and Rs.6700/-. Near Tohana, they gave beatings to him with Lathi, Dandas, hammer and sharp-edged Gandasa and threw him in the fields. When he raised a hue and cry, some boys who were taking bath at the canal, found him and called the ambulance. Amit had become unconscious due to the injuries. On the basis of these allegations the present FIR got registered.”

3. Status report by way of affidavit of Shri Dheeraj Kumar, HPS, Deputy Superintendent of Police, HQ Hansi, District Hisar has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of disclosure statement made by co-accused Jacha @ Jai Chand. The police also claims that upon arrest of petitioner, he himself confessed his guilt. It has been submitted that such like evidence can hardly be said to be credible evidence

in the absence of any other connecting evidence and, as such the petitioner, who has been behind bars since the last about 6 months and 19 days deserves the concession of bail particularly when he is not involved in any other case.

5. Opposing the petition, learned State counsel submitted that since co-accused Jacha @ Jai Chand has categorically named the petitioner, his complicity is clearly evident particularly when a stick was also got recovered at the instance of the petitioner. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 6 months and 19 days and that as on date none out of the cited 14 PWs has been examined and that the petitioner otherwise is not involved in any other case.
6. This Court has considered rival submissions addressed before this Court.
7. Admittedly, the petitioner is not named in the FIR and has been nominated on the basis of disclosure statement made by co-accused, the evidentiary value of which would be debatable. The petitioner otherwise enjoys a clean record and has been behind bars since the last about 6 months and 19 days. Conclusion of trial is likely to consume time inasmuch as none out of the cited 14 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose.
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.4.2024

Pankaj

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No