



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37890-2024
Date of decision : 17.09.2024

ANKURPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.273 dated 21.05.2022 registered for the offences punishable under Sections 365, 506, 34, 364A, 341, 201 of the Indian Penal Code and Section 25 of Arms Act, 1959 at Police Station Quilla, Panipat.

- 2. At the outset, counsel for the petitioner prays that the present petition be treated to be the one under Section 483 of the BNSS 2023.
- 3. The prayer is allowed.
- 4. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

2024:PHHC:122341



5. As per the contents of the FIR it has been alleged as under :

“It is stated that I, Ashish Saini son of Shri Ratan Lal Saini, am a resident of Ward No. 11, Saini Colony, Panipat. I am doing the business of sale of mobile product online. We are two brothers. I am the elder one and younger to me is my brother Neeraj who is aged about 27 years and he is running a Karyana shop in the Durga Colony situated on the Babail road. Today on 21st of May 2022, I and my brother Neeraj were sitting on the Babail road. At about 2:00 PM, my brother Neeraj had gone towards the house from his shop on his motorcycle No.HR06AT-9803 make KTM but my brother Neeraj did not reach home on his motorcycle for a long time and he also did not pick my phone. Thereupon, I telephoned at my home and my sister Shikha told me that 4/5 boys had come to our home in a Bolero vehicle some time ago and they were enquiring about Neeraj. After that, after closing my shop, when I was coming towards the Babail road in search of my brother, I found his motorcycle parked on the road in front of Saini Auto Centre. After reaching near the motorcycle, I enquired from the nearby shopkeepers, upon which, I came to know that at about 2:15 PM, a Bolero vehicle had come from the side of Chhotu Ram Chowk, Panipat, in which, there were riding 4/5 boys, and that the said boys riding in the Bolero vehicle had forcibly abducted my brother by dragging him from his motorcycle and he was put in the Bolero vehicle. My brother Neeraj Saini has been abducted by 4/5 unknown boys who were riding in the Bolero vehicle. Legal action may be taken against the unknown 4/5 boys who were riding in the Bolero vehicle.”

6. Counsel for the petitioner submits that the petitioner is behind bars for more than 2 years, 3 months and 20 days. Not only the investigation stands concluded rather the trial has proceeded considerably as



the material witnesses i.e. the victim as well as the complainant both already stand examined.

7. State Counsel however submits that both of them have supported the prosecution but does not dispute that so far as the petitioner is concerned, he has clean antecedents.

8. I have heard counsel for the parties and have gone through records of the case.

9. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that custody of the petitioner cannot be prolonged as a punitive measure, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 17, 2024
Dpr

(Pankaj Jain)
Judge

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