



CRM-M-54377-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-54377-2024

Date of decision: 8th January, 2025

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 204 dated 24.06.2024 registered under Sections 34 and 365 of IPC (Section 328 of IPC added later on) at Police Station Israna, District Panipat.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered by the complainant 'S' (name withheld) making allegations that on the intervening night of 23/24.06.2023, his daughter had left home after making them unconscious by administering some intoxicating substance mixed in food. He had made inquiries and came to know that the petitioner along with co-accused Krishan had helped the accused Monty in kidnapping the daughter of the complainant and the



accused Monty had taken her away. The victim was recovered on 03.07.2024. Her statement under Section 164 of Cr.P.C. was recorded. The petitioner was arrested on 13.08.2024. He suffered disclosure statement admitting his administering or causing to administer some intoxicating substance to the family members of the victim with intent to facilitate her kidnapping by the co-accused and himself.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 13.08.2024. Infact, the victim had voluntarily and willingly left her home with the co-accused Monty and the petitioner had nothing to do in the act of her kidnapping. He was not even named in the FIR and a false story has been concocted only because of the fact that he was a friend of the co-accused Monty from whom the custody of the victim had been recovered. No useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana, that there are serious and specific allegations against the petitioner as he had provided some sleeping pills to the co-accused Monty who had given the same to the victim and the victim, after mixing those sleeping pills in some eatables, had given the same to her family members who had become unconscious and she was enticed away by the co-accused Monty. The petitioner has facilitated the commission of offence of kidnapping of the victim. There are chances of his



intimidating the victim or the complainant or absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have facilitated the commission of offence of kidnapping of the minor victim by taking her in a vehicle with the co-accused and is also alleged to have provided sleeping pills to the co-accused Monty for mixing the same into the food of the family members of the victim and making them unconscious. He is in custody since 13.08.2024. Investigation has since been concluded. Trial has commenced and is likely to take time. Keeping in view the nature of the allegations as levelled against the petitioner coupled with the period of incarceration of the petitioner, I am of the considered opinion that he deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th January, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No