



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38367-2024

Reserved on : 02.04.2025

Pronounced on: 29.05.2025

KULDEEP ALIAS SAGAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. P.,S.Sekhon, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J.

The instant petition has been preferred by the petitioners under 439 Cr.P.C for grant of regular bail in the following FIR(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
33	24.01.2019	365, 397, 412, 201 IPC and 25 of Arms Act	Bhuna District Fatehabad

2. Arguments heard.

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 has no concern with the allegations levelled in the FIR but has been implicated in the present case on the alleged disclosure statement of co-accused Mahipal Singh who has already been granted concession of bail vide order dated 22.02.2021 passed in CRM-M-7237-2021 (Annexure P-3). He contends that the petitioner is in custody since 08.12.2023, after



completion of investigation, challan has already been presented in Court and no recovery has been effected from the petitioner in the present case. He submits that the conclusion of trial will take sufficient long time, hence, prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition, by submitting that the petitioner is a habitual offender and has been nominated in the present case by co-accused Mahipal Singh. He contends that petitioner has actively participated in the crime, as such he is not entitled to concession of bail. Hence prayed for dismissal of the bail petition. However, he has not disputed the fact that co-accused Mahipal Singh has been granted concession of bail vide order dated 22.02.2021 passed in CRM-M-7237-2021 (Annexure P-3).

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the allegations that some unidentified youth armed with pistol and dandas had forcibly kidnapped the complainant in his car and snatched his mobile phone and ₹1500/- from him and after dropping the complainant, had taken away his car. During course of investigation co-accused Mahipal Singh was arrested in this case and he suffered disclosure statement (Annexure R-1) on the basis of which present petitioner was nominated and subsequently arrested on 08.12.2023. Admittedly, no recovery has been effected from the petitioner in the present case. It is not disputed that the aforesaid co-accused Mahipal Singh has since been granted concession of bail vide order dated 22.02.2021 passed in CRM-M-7237-2021 (Annexure P-3).

6. It is not disputed that petitioner was arrested in this case on



08.12.2023, since then he is in custody. Admittedly after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 23 witnesses and only 4 of them have been examined till date. The petitioner has been nominated on the basis of disclosure statement of co-accused Mahipal Singh who has since been granted concession of bail vide order dated 22.02.2021 (Annexure P-3). The admissibility of the disclosure statement is debatable and the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, therefore, no purpose would be served by detaining petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, 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 the evidence of the prosecution in any manner.

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

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

29.05.2025

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