

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 11523 of 2018 (O&M)

Date of decision : 1.5.2018

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Vishal Sharma @ Jaggi

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.P.S. Bal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

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H. S. Madaan, J.

This is second application for regular bail filed by petitioner –Vishal Sharma @ Jaggi, an accused in FIR No. 90 dated 12.7.2017, for offences under Sections 365, 368, 323, 506, 146, 149 IPC and Section 25 of Arms Act, registered at Police Station Division No. 6, Jalandhar.

The first application for regular bail was dismissed by this Court vide order dated 17.11.2017.

Briefly stated, facts of the case, as per prosecution story are that the FIR in question was registered on the basis of statement of

Beant Singh Brar son of Gursharan Singh resident of village Nathu Wala Garbi Police Station Bagapurana District Moga aged about 23 years on 12.07.2017, wherein he stated that a month earlier he received a video call on his mobile phone purported to have been made by one Maniksha Sharma resident of Mukeria District Hoshiarpur, who kept calling him later on as well; that on 04.07.2017 she told him that she was pursuing Nursing course from Dehradun, after her examination she was returning to Jalandhar, as such, he should met her at bus stand, Jalandhar; that accordingly he went to bus stand, Jalandhar in his Verna car bearing No.PB-48-C-2600, however, Maniksha asked him to go to Gurudwara Singh Sabha, Model Town Jalandhar, he accordingly went there and made a call to Maniksha who asked him to wait there; that in the meanwhile he went to nearby juice bar to get water, then an Alto car bearing No.PB-08-DM-1461 having four occupants came there, they forcibly took keys of his car and threw those away; that then they blind-folded him with a piece of cloth and started speaking on mobile phone stated that they had taken the persons in custody and reached near Nastle Kalan and what was to be done next; that thereafter they took complainant to an isolated place and removed the clothes from his eyes, undressed him and gave him beatings; that they prepared a video movie and had video chat with Preet Phagwara and Teja Pahadiya and made him to abuse Shera Khuban Group and Gonder Group; that they called 8 /10 more persons one of them was known to him was Jaggi Ropar; that all of them gave beatings to him and caused injuries, two of those persons armed with revolvers and they made the complainant abuse

Shera Khuban Group and Gonder Group by threatening him that they would kill him if he did not do so; that in his said statement the complainant stated that Pancham Noor Singh son of Nirmal Singh resident of Phagwara Gate, Jalandhar was amongst four persons who had abducted him from Gurudwara Singh Sabha and he can identify remaining persons if brought before him; that he was given beatings with *Lathies* and then made to wear clothes, thereafter was blind-folded and dropped at crossing after putting him in the Alto car; that they returned him Verna car threatening that if he disclosed the incident to anybody then they would kill his family; that the video clip was uploaded on facebook, youtube and whatsapp. According to the complainant he was admitted to Civil Hospital, Moga and he was scared at that time, he sought taking of action against such persons.

The petitioner was arrested in this case. He had moved an application for grant of regular bail before the Court of Sessions, which was however, dismissed by the Additional Sessions Judge, Jalandhar vide order dated 9.10.2017. He had filed similar application before this Court, which was also dismissed on 17.11.2017. Now, he has approached this Court again for the grant of similar relief.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned Counsel for the petitioner states that Maniksha Sharma @ Mansi has been granted bail by the Court below. Therefore, on the ground of parity, petitioner also deserves to be granted bail.

However, learned State counsel has opposed the request vehemently.

While deciding the first petition for regular bail, all the contentions put forward on behalf of the petitioner i.e. he being allegedly falsely involved, he having not gone to Jalandhar, on 8.7.2017, two of his co-accused namely, Maniksha Sharma @ Mansi and Vishal @ Sachin having been granted bail by Additional Sessions Judge, Jalandhar, vide order dated 22.8.2017 and 24.10.2017, respectively, were taken into consideration while denying the bail to him. Regular bail was denied to Vishal Sharma- petitioner, with the following observations :-

“Similarly other petitioner – Vishal Sharma alias Jaggi Ropar is also specifically named in the FIR, the allegations against him are also very grave and serious of causing injuries to the complainant. He being in link with the other co-accused also comes out to be there, as regards the other two co-accused are granted concession of bail, they were not specifically named in the FIR and they are no direct allegations of their active participation in the abduction of the complainant and his subsequent maltreatment.

Therefore, this petitioner - Vishal Sharma alias Jaggi Ropar cannot seek parity with them. As regards the assertions of delay in lodging FIR that plea may be having some significance during

trial, but not at this stage while determining the question of grant of bail to the petitioner – accused. Even otherwise in the FIR itself the complainant has stated that after the incident he was admitted in the hospital and was scared. It does take some time to come out of the fear and then report the matter to the police. Regarding the complainant himself being involved in criminal activities that itself does not dilute the seriousness of the criminal acts attributed to the petitioner. In his case also the contention of the State counsel that if released on bail there are chances of his absconding and tampering with the prosecution evidence need to be kept mind.”

I do not see any change in the circumstances since dismissal of the first petition for regular bail, which might have called for review of the situation, so as to determine the entitlement of the petitioner for grant of regular bail.

Finding no merit in the petition, the same stands dismissed.

1.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No