

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 7899 of 2018 (O&M)
Date of decision : 29.5.2018

...

Surajmal @ Khinnu

.....Petitioner

vs.

State of Haryana

.....Respondent

2) CRM-M No. 8791 of 2018 (O&M)

...

Kuldeep

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. Sumit Sangwan, Advocate for the petitioner(s).

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

...

H. S. Madaan, J.

Vide this order I intend to dispose of two petitions, bearing CRM-M-7899-2018 titled as Surajmal @ Khinnu vs. State of Haryana and CRM-M-8791-2018 titled as Kuldeep vs. State of Haryana, as both these petitions have arisen out of the same FIR.

These petitions for regular bail have been filed by petitioners – Surajmal @ Khinnu and Kuldeep, both of them being accused in FIR No. 230 dated 10.4.2017, under Sections 120-B, 34, 342, 379, 384, 420 IPC (however in challan Section 201 IPC also

added), registered at Police Station Samalkha, District Panipat.

Briefly stated, facts of the case as per the prosecution story are that the FIR in this case was recorded on the basis of written complaint submitted by one Jagdish s/o Rameshwar r/o village Garhi Kewal, Tehsil Samalkha, District Panipat, which he submitted to the police contending therein that a few days earlier, he had received a call on his mobile phone; the caller was a girl and told her name as Manisha and she offered him a tie up with some companies in connection with his tour and travel business. Though he was not interested in the offer but repeated calls were made to him by the girl who asked him to come to Gurgaon for meeting her boss. Therefore on 9.4.2017, he went to village Kadipur, Sector 10, Gurgaon, where Manisha received him and escorted him to the office building, where he came across one Sonu and another boy, who took him to a room. Both the boys bolted the door from inside and at the asking of Manisha pointed a pistol on temple of the complainant, asking him to hand over what ever he was having, thereafter, they snatched his two mobile phones, one purse containing ATM cards, driving license and Rs.500/- besides taking Rs.8,000/- from the back pocket of his trousers. In the meanwhile, two other male persons alongwith two females came there and the entire snatched articles were handed over to their boss. Then both the women asked the complainant to arrange Rs.50 lacs, threatening him that otherwise he would be killed. According to the complainant, he called his friends, Parveen Kumar and Vikas to arrange Rs. 5 lacs. Parveen Kumar refused to part with any money, whereas Vikas agreed to pay Rs. 1 lac., however, on the

condition that complainant would have to come to collect the money. Thereafter, the accused threatened him to disclose the ATM PIN. Thereafter they withdrew some money from his accounts. According to the complainant, then the accused forced him to have physical relations with Manisha so that he could be involved in a false case of rape. On refusal of complainant, he was forced to discharge semen after masturbation. The accused also took his underwear to create evidence of rape against him. Thereafter they tied his hands, put him in a vehicle and took him to Neelkanth Dhaba via Delhi where they took meals. The miscreants also obtained his signatures on blank papers, asking the complainant to arrange Rs. 50 lacs. According to the complainant, he could reach home with great difficulty.

After registration of the formal FIR, the matter was investigated. The accused were arrested in this case. They had moved applications for grant of bail in the Court of Sessions, but were unsuccessful there, as such they have approached this Court for grant of similar relief by way of filing the present petitions, which are being resisted by the State counsel.

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

The allegations against the accused are very grave and serious. According to the learned State counsel, petitioner Surajmal @ Khinnu is involved in two more criminal cases, bearing FIR No. 261 dated 4.6.2017 for offences under Sections 379-A and 365 IPC, Police Station Sadar Dadri, Bhiwani and FIR No. 82 dated 4.6.2017 under Section 379 B etc. IPC, Police Station Sirhind, Punjab, whereas

accused Kuldeep is involved in four more other criminal cases, as detailed below:-

1. FIR No.17/2013, u/s 411, 413 IPC, Police Station Bhilawara, Bhilawara
2. FIR No. 296 dated 18.7.2015, u/s 392, 395, 412, 216-A, 379, 411, 420, 506, 365 IPC, Police Station Matloda, Panipat.
3. FIR No. 82/2017 dated 4.6.2017, u/s 379-B, 382, 411 IPC, Police Station Sirhind, Fatehgarh Sahib
4. FIR No. 261 dated 4.6.2017 u/s 379-A, 365 IPC, Police Station Dadri, Charkhi Dadri.

That goes to show that petitioners are habitual criminals and the apprehension expressed by learned State counsel that if released on bail, there are chances of their absconding and tampering with the prosecution evidence, cannot be brushed aside lightly.

The challan against the accused has been filed. The material witnesses are yet to be examined. Therefore, considering all the facts and circumstances, no case for grant of regular bail to the petitioners is made out.

Both the petitions in that regard are doomed for failure and are dismissed accordingly.

29.5.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No