

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6111-2019 (O&M)

Date of Decision:- 6.5.2019

(1) Pawan Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CRM-M-10908-2019 (O&M)

(2) Jodha ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunny Bhardwaj, Advocate,
for the petitioner in CRM-M-6111-2019.

Mr. Vikas Dhull, Advocate,
for the petitioner in CRM-M-10908-2019.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispse of the above mentioned two petitions filed on behalf of the petitioners seeking grant of regular bail in case registered vide FIR No.403 dated 22.07.2018 under Sections 323, 364-A, 386, 389, 120-B, 506, 34 of Indian Penal Code, 1860 and Section 3(2)(v)(A) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Barwala, District Hisar.
2. The FIR was registered at the instance of Rattan Lal wherein it is alleged that on 15.07.2018, Jodha came to his shop and offered that he would drop

him at his home. He sat along with him on the motorcycle but on the way said Jodha stopped motorcycle near a car. It is alleged that 2 men and a woman were sitting in the car and who came out of the car and forced the complainant to sit in their car while brandishing knife and gave beatings to him and also pressed his neck and also pretended to give beatings to Jodha. It is alleged that said persons drove their vehicle towards Hisar and demanded an amount of ₹2 lakhs and upon refusal by the complainant they threatened to kill him. It is alleged that in the meanwhile Pawan Kumar and Banarsi Dass also came there and demanded ₹1 lakh and upon complainant's refusal they threatened to falsely implicate him in a rape case. It is alleged that the complainant in order to save his life promised them to give ₹1 lakh in the morning and accused warned the complainant not to go to the Police Station.

3. The learned counsel for the petitioners have submitted that they have been falsely implicated in the present case and that the complainant during the course of trial has not supported the case of the prosecution. The learned counsel, in this context, has today shown a copy of order dated 4.5.2019 passed by learned Additional Sessions Judge, Hisar/Trial Court wherein it is noticed that PW-1 Rattan Lal has not supported the case of prosecution. Both the petitioners have been behind bars since the last about 8 months. The learned State counsel has informed that till date only 3 out of the cited 20 prosecution witnesses have been examined.
4. Bearing the aforesaid position in mind, especially that the complainant is stated to have resiled and that only 3 out of the cited 20 PWs have been examined so far and that conclusion of trial, in its normal course, is likely to

take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioners behind bars. Accordingly, the petitions are accepted and the petitioners-Pawan Kumar and Jodha are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

5. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

6.5.2019
kamal

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No