

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M No.31789 of 2019 (O&M)
Date of Decision:- 04.02.2020

Jai Kishan

...Petitioner

Versus

State of Haryana

... Respondent

2

CRM-M No.47983 of 2019 (O&M)

Ishwar Singh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate,
for the petitioner(s).

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, two petitions i.e. CRM-M No. 31789 of 2019, titled 'Jai Kishan Vs. State of Haryana' and CRM-M No. 47983 of 2019 titled 'Ishwar Singh Vs. State of Haryana' are being disposed of. Since the present petitions have arisen

out of the same FIR, therefore, common facts are being noticed.

Initially one DDR No.22 dated 15.5.2011 was registered against one Shivani wife of Naresh. She was apprehended under Section 109 Cr.P.C. On a complaint made by Shivani, one FIR was registered against Narinder Rana and Suresh Rana with the background of sexually assaulting the aforesaid Shivani. The offence punishable under Section 354, 363, 365, 328, 376, 356 and 34 of IPC and Section 13 of Prevention of Corruption Act was registered against the aforesaid Narinder Rana and Suresh Rana.

During the course of investigation, the allegations were found to be false. Narinder Rana and Suresh Rana alleged that Shivani in connivance with SI Jai Kishan and EHC Ishwar Singh had obtained a sum of Rs.1,50,000/- from Narinder Rana by threatening him to implicate in a false rape case. The FIR was converted into the offences under Section 389, 218, 211, 167 and 120-B of IPC and Section 13 of Prevention of Corruption Act against SI Jai Kishan, EHC Ishwar Singh and Shivani.

Resultantly, FIR No.442 dated 24.5.2011 for the offences under Sections 389, 409, 218, 211, 167, 406 and 120-B of IPC and Section 13(1) (d) of Prevention of Corruption Act came to be registered in Police Station Model Town, Panipat.

Shivani has already been granted regular bail. Jai

Kishan and Ishwar Singh were declared as proclaimed offenders as they fled away after the dismissal from service. Now Jai Kishan is in custody since 02.01.2019 and Ishwar Singh is in custody since 28.01.2019.

Challan has been presented and charges have been framed on 18.11.2019. No prosecution witness has been examined so far.

Learned counsel for the petitioner states that except the offence under Section 409 IPC and Section 13(1) (d) of Prevention of Corruption Act all other offences are bailable in nature.

Learned State counsel on instructions from ASI Shamsher Singh states that Jai Kishan has not cooperated with the Investigating Agency as he did not give his voice sample.

Be that as it may, since the challan has been presented and the petitioners are in custody for more than one year, therefore, at this stage, without meaning anything on the merits of the case, it would be just and appropriate to grant regular bail to the petitioners.

The petitioners are ordered to be enlarged on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed to

CRM-M No.31789 of 2019 (O&M)
CRM-M No.47983 of 2019 (O&M)

-4-

be an expression of any opinion on merits of the case.

Accordingly, this petitions are allowed.

04.02.2020

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(Raj Mohan Singh)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No