

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.55403 of 2019

Date of decision: 06.02.2020

Rajbir @ Banti and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners in FIR No.1006 dated 23.12.2018 registered under Sections 364-A, 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act (added later), at Police Station Sadar Palwal, District Palwal.

Counsel for the petitioners, at the very outset, submits that he may be permitted to withdraw this petition *qua* petitioner No.3 namely Radhey son of Rajmuni, at this stage.

Ordered accordingly.

Counsel for petitioners has argued that the petitioner No.1 namely Rajbir @ Banti and petitioner No.2 namely Mohit Singh Parmar are in judicial custody for the last more than 01 year and they are not involved in any other case. It is further submitted that the trial Court has already recorded the statement of the complainant Kartar Singh, who appeared as PW1 and in his examination-in-chief, he has not supported the prosecution version. This witness was declared hostile and was cross-examined by the Public Prosecutor, in which he has even, denied the contents of the statement Ex.PW1/A, given by him to the police. It is further argued that the victim namely Sandeep @ Sunny was examined as PW2 and he has stated that when he had gone to Agra on 22.12.2018, he met a person, who introduced himself as Radhey and had taken him to some unknown place at Madhya Pradesh where he

was confined and a demand of Rs.15 lacs was made from his house. This witness did not identify the petitioners No.1 and 2. This witness was also declared hostile and in his cross-examination, he has denied the statement Ex.PW2/A, which was made before the police. This witness in his cross-examination by defence counsel has also stated that he has not seen the accused persons, present in the Court before.

Counsel for the State, has filed the Custody Certificate today in the Court and has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last more 01year; they are not involved in any other case; the complainant and the victim have been declared hostile and conclusion of the trial will take some time, this petition is allowed and the petitioners No.1 and 2 namely Rajbir @ Banti and Mohit Singh Parmar, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No