

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

(I) **CRM-M-1444-2021(O & M)**
Date of Decision:- 28.09.2021

Inderjeet Yadav ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-276-2021 (O&M)**

Bijender Saini ... Petitioner

Versus

State of Haryana ... Respondent

(III) **CRM-M-4497-2021(O&M)**

Naresh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.J.S.Bedi, Senior Advocate with
Mr.Sunil Sihag, Advocate,
for the petitioner in CRM-M-1444-2021

Mr.Ved Parkash, Advocate
for the petitioner in CRM-M-276-2021

Ms.Sharmila Sharma, Advocate
for the petitioner in CRM-M-4497-2021

Mr.Rajiv Sidhu, DAG Haryana,
assisted by Inspector Jaipal.

Mr.Keshav Pratap Singh, Advocate and
Mr.Yashveer Kharb, Advocate,
for the complainant

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Inderjeet Yadav, Bijender Saini and Naresh seek grant of regular bail in a case registered vide FIR No. 188, dated 21.10.2020, Police Station Sector 37, Gurugram, under Sections 148,149,307,506 and 120-B IPC and Sections 27(1) and 30 of Arms Act.
2. The FIR in question was lodged at the instance of Deepak Dhankar, wherein it has been alleged that he is serving in Air Force at Bangalore and had come on leave. His friends Mahipal, Om Parkash and Naveen introduced him with Bijender Saini, Vikash and Ram Juari and suggested to the complainant to invest some amount in Express Gold Trading Company which is stated to be run by Bijender Saini, Vikash and Ram Juari. The complainant alleges that he gave an amount of Rs.4 lakhs in cash to Om Parkash and also deposited an amount of Rs.12,30,000/- in the account of Naveen Express Gold Trading Company. However, when he did not receive any return from the said investments, he asked his friends Mahipal, Naveen and Om Parkash, upon which his friends asked Bijender Saini, Ram Juari, Vikash and one Deepak to return the amount. On 21.10.2020, Bijender Saini transferred an amount of Rs.1 lakh in the account of

the complainant and told the complainant that the remaining would be given to him at the farm of Inderjeet at Gurugram. The complainant sat in the car of Bijender Saini along with Ram Juari and Deepak which was being driven by Sandeep and they proceeded towards Sikanderpur, where Prikshit, Aashish Yadav and Lekh Ram, who are friends of the complainant were already present in the Brezza car. The complainant sat in the Brezza Car and they followed Bijender Saini's car and they reached outside the house of Inderjeet Yadav. Bijender Saini alighted from his car and asked the complainant to come inside. However, since one armed person was standing outside, the complainant being scared refused to go inside and started reversing the car. In the meanwhile, four young boys came out of the premises in a Verna car. Bijender Saini also sat in the Verna car and the said Verna car started chasing the Brezza car in which the complainant was sitting. When they reached near Rajiv Chowk, the Verna car overtook the Brezza car of the complainant and a person sitting on the rear seat in the Verna car fired a shot from a fire arm carried by him hitting the windowpane of the driver side of the Brezza car. Two more shots were fired. However, the complainant and his friends had a narrow escape. The complainant alleges that the offence has been committed by Bijender Saini, Ram Juari, Deepak and Sandeep in collusion with four unknown persons.

3. Learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that it is the case where none had been injured.

4. Learned counsel for the petitioner-Inderjeet Yadav has submitted that the petitioner has various medical ailments and in fact on account of his ailments he had also been granted interim bail by this Court and is still not keeping well. Learned counsel has also submitted that the petitioner in any case been behind bars for a substantial period of about 10 months. Learned counsel for the said petitioner has further submitted that in fact it is a case where the complainant himself, his wife along with accused Ram Juari and others are arrayed as accused in a FIR registered in U.P. and the instant case in fact is on account of some monetary transactions regarding 'chit fund'.
5. Learned counsel for petitioners Naresh and Bijender Saini have also made identical submissions to the effect that they are not named in the FIR and have been falsely implicated.
6. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner Naresh had been duly identified in an identification parade and in fact from the CCTV footage from the camera installed at the premises of Inderjeet, it is borne out that Inderjeet was carrying a weapon. The learned State counsel has also informed that petitioner-Inderjeet had earlier been involved in 13 other cases, though he stands acquitted in 8 of them. It has been informed that as on date 2 matters are still pending which are pertaining to offences under Sections 406, 419 and 420 IPC.
7. Upon a query made by this Court, learned State counsel informed that even the other FIRs in which the petitioner stands acquitted were mainly for offences Sections 419 and 420 IPC and only one FIR was

pertaining to offence under Sections 323 and 324 IPC. Learned State counsel has informed that the petitioner Naresh and Bijender Saini are not involved in any other case.

8. Learned State counsel has however, informed that while petitioner Inderjeet Yadav has been behind bars since the last about 10 months, the petitioner- Bijender Saini has been behind bars since the last about 11 months and petitioner-Naresh has been behind bars since the last about 10 months.
9. Learned counsel for the complainant while opposing the petition has also submitted that the petitioner Inderjeet Yadav is not entitled for grant of bail as he has made incorrect assertions regarding his medical condition inasmuch as he is in fact hale and hearty and a petition for getting an inquiry conducted in the said aspect is already pending in this Court. Learned counsel for the complainant has further submitted that as per the FSL report, it has been found that the Brezza Car has been fired at with help of some fire arm, which virtually substantiates the case of the prosecution.
10. I have considered rival submissions addressed before this Court.
11. It is evident from the FIR that apart from Bijender Saini none of the other occupants of the Verna Car is named in the FIR and it is subsequently that Inderjeet Yadav is stated to have been identified. It is not in dispute that none of the occupants of the Brezza car in which the complainant was sitting, sustained any injury although three shots are alleged to have been fired. As regards the antecedents of petitioner-Inderjeet Yadav is concerned, no doubt he is stated to have been previously involved in as many as 13 other cases, but he stands

acquitted in 8 of the said cases. Further, almost all the said cases pertain to offence under Sections 406, 419 and 420 IPC and it is only one case which pertains to an offence under Sections 323 and 324 IPC, in which he already stands acquitted. There is no such previous case pertaining to any heinous offence in the nature of Sections 307 or 302 IPC. Keeping in view the fact that the petitioners have been behind bars for a substantial period of about 10/11 months and the conclusion of trial is likely to consume time as only 2 out of the cited 24 PWs have been examined, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners 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.

12. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case. It is further made clear that in case the complainant is able to establish at a later stage that the medical certificates furnished by Inderjeet Yadav were fake and were not correct, it shall be open to the complainant as well as to the State to move an application for cancellation of bail.
13. A photocopy of this order be placed on the file of each connected case.

28.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No