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

**(i) CRM No.9709 of 2021 in/and
CRM No.M-5914 of 2021 (O&M)**

Ajit

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-7872 of 2021 (O&M)

Parveen

...Petitioner

VERSUS

State of Haryana and another

...Respondents

Date of Decision: April 05, 2021

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Garima Sharma, Advocate,
for the petitioner (in CRM-M-5914-2021).

Mr.Devinder Singh, Advocate
for the petitioner (in CRM-M-7872-2021).

Ms.Harpreet Kaur, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation.

CRM-9709-2021

This is an application for placing on record translated copy of challan as Annexure A-1. The application is allowed, subject to all just exceptions. Annexure A-1 is taken on record.

Even today, statements of PW-1 Bhoora, PW-2 Abdulla and PW-3 Makhmool, recorded before the trial Court on 25.03.2021, have been sent through E-mail, hardcopies whereof, have been placed on record. Even, orders granting bail to fellow accused Manjeet and Kuldeep, have also been sent through E-mail, hardcopies whereof, have been placed on record.

Main cases

Petitioner-Ajit has filed CRM-M-5914-2021 and petitioner-Parveen has filed CRM-M-7872-2021 under Section 439 Cr.P.C. for grant of regular bail in case FIR No.136 dated 14.06.2020 under Sections 365 and 395 IPC (Section 341 IPC added later on), Police Station Jui Kalan, District Bhiwani.

The aforesaid FIR has been got registered, on the basis of the application filed by complainant Bhoora, vide which, he had reported that on 13.06.2020 at about 11.00 p.m., he along with his uncle Abdulla was going on pick-up vehicle bearing registration No.UP-13BT-6211, while loading two buffaloes and four calves, towards Bagpat. When they reached near Dhirana turn, in the meantime, a white coloured Bolero vehicle, which came from behind, had intercepted them. Five persons alighted from the said vehicle and they subjected the complainant as well as his uncle to

beatings with their *lathies* and *dandas*. They had forcibly taken away complainant and his uncle in their own vehicle and had snatched their (complainant's) vehicle. They had also forcibly snatched Rs.21,000/- from the complainant and Rs.7000/- from his uncle, besides their phones.

During the course of investigation, besides the petitioners, various other accused, namely Kuldeep, Manjeet and Rustam, were also arrested.

Now, it is submitted by learned counsel for the petitioners that both the petitioners are in custody since 26.06.2020. Even though, challan has been presented and charge has been framed and three witnesses have been examined, but however, trial is going on at snail's pace. Also, it is submitted, two witnesses i.e. complainant as well as another material witness Abdulla have been examined in the present case as PW-1 and PW-2 respectively and they have not supported the prosecution version. Also, it is submitted that another witness Makhmool has also been examined as PW-3 and he has also not supported the prosecution version. Considering the same, a prayer has been made for grant of regular bail to both the petitioners.

On the contrary, learned State counsel, though does not resisted the factual position, as submitted by learned counsel for the petitioners but however, she submits that allegations against the petitioners are of grave nature. They have won over the witnesses, as a result whereof, both the complainant and another material witness, have not supported the prosecution version. As such, she has made a prayer for dismissal of both the petitions.

May it be so, as submitted by learned State counsel but

however, the fact remains that both the petitioners are in custody since 26.06.2020. The material witnesses, so examined by the prosecution, are complainant Bhoora as well as another victim namely Abdulla, who was accompanying the complainant, at the relevant time. They have been examined as PW-1 and PW-2 respectively. Both the said witnesses have not supported the prosecution version, as evident from the statements of the said witnesses, so placed on record today. Even though, it is submitted that the said witnesses have been won over by the accused under pressure but however, it is too early to comment upon the same. No such, version has been put forth, in the cross-examination by the Public Prosecutor.

Considering the aforesaid fact situation and the long incarceration of both the petitioners, without dilating further on the merits of the case, both the petitions are allowed. Petitioners Ajit and Parveen are ordered to be released on bail, subject to their furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

April 05, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No