

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

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CRM-M-44113-2021(O&M)

Date of Decision: 09.12.2021

CHAIN SINGH

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG Haryana.

Mr. Anshul Baghla, Advocate
for respondent No.2-complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.115 dated 29.06.2020 registered under Sections 307, 379-B, 392, 398, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Dujana, District Jhajjar, Haryana.

Status report by way of an affidavit dated 03.12.2021 of the Deputy Superintendent of Police, City Jhajjar, District Jhajjar, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and he has been in custody since 11.03.2021. He further submits that complainant, namely, Dilbag son of Raghbir, while appearing as PW-1 before the trial Court, has not supported the prosecution version and turned hostile. Still further, it is submitted that, as no

recovery was effected from co-accused, namely, Tarun @ Chhotu, he has already been granted the concession of regular bail by this Court, vide order dated 09.09.2021.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for the victim, does not dispute the aforesaid factual position. Learned State counsel, however, submits that the complainant has now made a complete summersault and connived with the accused persons. He further submits that there are specific allegations against the petitioner and the co-accused, inasmuch as, a pistol, which was used in the occurrence, was recovered from co-accused, namely, Rahul @ Bhairo. The empty cartridge recovered from the site, on examination by the FSL, matches with the one fired from the pistol recovered from Rahul @ Bhairo. Still further, it is submitted that the petitioner had snatched the purse of the complainant and on being apprehended, aadhaar card and voter card of the complainant were recovered from him.

I have heard the learned counsel for the parties.

Admittedly, the petitioner along with other co-accused snatched the purse of the complainant at a gun point. Further, a gun shot has been attributed to co-accused, namely, Rahul @ Bhairo. The allegations against the petitioner are serious in nature and require a thorough adjudication.

Keeping in view the above, no ground is made out to enlarge the petitioner on bail.

Dismissed.

The trend of complainant turning hostile sets a bad precedent and as a matter of fact scuttles the entire prosecution case. Such process must not be

allowed to defeat the criminal justice system.

Since, the complainant, at the time of lodging of the FIR, had levelled specific allegations against the petitioner and his co-accused and now has turned hostile very conveniently, the trial Court is directed to take immediate action against complainant, Dilbag son of Raghbir, in accordance with law, for having taken a complete summersault now.

09.12.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No