

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

(I) CRM-M-7827-2022 (O&M)

Sandeep Singh @ Jony son of Mohkam Singh ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-31147-2021 (O&M)

Vishal son of Rajbir ...Petitioner

Versus

State of Haryana ...Respondent

(III) CRM-M-38481-2021 (O&M)

Vishal son of Arjun Singh ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 01.09.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mayur Karkra, Advocate, for
Mr. Aman Pal, Advocate, for the petitioner
in CRM-M-7827-2022.

None for the petitioner
in CRM-M-31147-2021.

Ms. Ishita Jain, Advocate, for the petitioner
in CRM-M-38481-2021.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Mukesh.

Mr. Sanchit Punia, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid 3 petitions filed on behalf of Sandeep Singh @ Jony son of Mohkam Singh, Vishal son of Rajbir and Vishal son of Arjun Singh respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.197 dated 14.12.2020 at Police Station Sadhaura, District Yamuna Nagar, under Sections 148/149/323/341/365/506/307/120-B IPC.
2. Before proceeding to consider the facts as well as submissions made on behalf of the parties, it may here be mentioned that in compliance of the previous order dated 29.08.2022, report dated 31.08.2022 from the District & Sessions Judge, Yamuna Nagar, has been received, wherein it has been informed that there are instructions to the effect that in event of an “unexpected holiday or unexpected absence of an officer”, even criminal cases are also taken up one or two days prior to the date fixed. It has also been informed that despite the case titled ‘State Vs. Sandeep Singh @ Jony etc.’ having been adjourned to 01.09.2022, the same was also taken up on the date already fixed i.e. on 26.08.2022 since there was specific direction issued by this Court on 23.08.2022 for recording the statement of prosecution witness Neeraj on 26.08.2022. It has been informed that matter was taken up by Ms. Nidhi Bansal, Additional Sessions Judge, Yamuna Nagar, who was the Officer next junior to Sh. Amarinder Sharma, Additional Sessions Judge, Yamuna Nagar, so as to comply with the directions issued by this Court.

3. Having gone through the report submitted by the learned District & Sessions Judge, this Court is of the opinion that the position stands sufficiently explained.
4. The FIR in question, which pertains to injuries inflicted to one Neeraj, has been lodged by his elder brother Vikramjit, wherein it has been alleged that on 09.12.2020, a function i.e. Ladies' Sangeet had been held in their neighbouring house belonging to Rajbir. However, a fight took place between his brother Neeraj and some of the relatives of his neighbours i.e. Shubham, Vishal, Pardeep, Jony etc., which was later compromised. It has been alleged that on 13.12.2020 at about 6.15 PM, he received a telephonic information that his brother Neeraj had been inflicted injuries by some boys. The complainant immediately rushed so as to take his brother to hospital and while on the way his brother disclosed that Shubham, Vishal, Jony and Pardeep as well as 3-4 unidentified persons had abducted him and had inflicted injuries to him with sticks etc. on various parts of his body. It has further been alleged that a cash amount of Rs.25,000/- and his mobile phone was also missing.
5. Injured – Neeraj was found to have sustained 6 injuries and had been declared unfit to make a statement and it was on the said count, the FIR came to be lodged on the statement of his brother Vikramjit.
6. Learned counsel for the petitioner/s have submitted that the FIR came to be lodged under some misunderstanding, which has been cleared and that in fact when the injured – Neeraj himself stepped into the witness-box, he has absolutely resiled and has stated that some persons with muffled faces had inflicted injuries to him and that he could not identify them. He

categorically stated that the accused, who were attending the court proceedings through video conference, were not the persons who had kidnapped him or given beatings to him. Learned counsel have, thus, submitted that since the injured – Neeraj himself has not supported the case of the prosecution, the petitioners, who have been behind bars for a substantial period, deserve the concession of bail.

7. Opposing the petition, learned State counsel has submitted that the petitioners apparently have intimidated the injured witness on account of which he has not supported the case of the prosecution and that having regard to the fact that injured had sustained as many as 6 injuries, which were all found to be life threatening, no case for grant of bail to the petitioners is made out. Learned State counsel has, however, informed that while petitioners – Sandeep and Vishal have been behind bars since the last about 1 year & 8 months, petitioner - Vishal son of Rajbir has been behind bars since the last about 1 year & 3 months. It has also been informed that the petitioners are not involved in any other case.
8. I have considered rival submissions addressed before this Court.
9. It is not in dispute that the FIR in question was lodged at the instance of Vikramjit (brother of the injured), who himself had not witnessed the incident and had got the FIR registered on the basis of what that had allegedly been told to him by the injured while he was being taken to hospital. However, when the injured – Neeraj himself stepped into the witness-box, he has absolutely resiled and has stated that he had been inflicted injuries by some persons with muffled faces and that the accused present in the court proceedings were not the persons, who had inflicted the injuries. In any case, all the petitioners have otherwise been

behind bars for a substantial period of more than 1 year & 3 months and are stated to be having a clean record. Conclusion of trial will take some time. In these circumstances, all the three petitions 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.

10. A photocopy of this order be placed on all the connected files.

01.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**