

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

CRM-M-15176-2021 (O&M)

(1) Sushil @ Malinga ...Petitioner
Versus
State of Haryana ...Respondent

(2) **CRM-M-23933-2021 (O&M)**

Vikas @ Poli ...Petitioner
Versus
State of Haryana ...Respondent

Date of Decision:- 24.5.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S. Matya, Advocate for the petitioner
in CRM-M-15176-2021 .

Mr. Punit Malik, Advocate for the petitioner
in CRM-M- 23933-2021 .

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Attar Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Sushil @ Malinga and Vikas @ Poli seeking grant of regular bail in a case registered against them vide FIR No.412 dated 27.8.2018 under Sections 120-B, 307, 34, 506 IPC and under Section 25 of the Arms Act at Police Station Model Town Rewari, District Rewari.

2. The FIR was lodged at the instance of Dhanpat Singh wherein it is alleged that he is into property dealing and his office is situated near Colonel Ram Singh Chowk. On 27.8.2018 at about 2:30 p.m., when he was present in his office then two unknown boys came there in a white coloured Maruti Swift car and told him to talk to 'Kaushal' and stated that the complainant has to decide regarding disputed '*kothi*' situated in front of Dhani Manchanda failing which he would lose his life. During conversation, they also took the name of one Vivek. The complainant told the said boys that he does not know any 'Kaushal', upon which the said boys stated that Kaushal is brother of Manish who is confined in jail with Paramjit. When the complainant insisted that he does not know Kaushal, the said two boys fired upon him after taking out their revolver and pistol with an intention to kill him and further said that the next person to be harmed would be complainant's son. It is stated that the entire occurrence has been recorded in the CCTV cameras installed in his office. The complainant further stated that another 2-3 persons were sitting inside the car. He further stated that about 2-4 days earlier Surjit and Ajit had threatened him to decide the case pertaining to '*kothi*' while stating that Babulal, Vivek, Kaushal, Manish and Paramjit are a team and in case the matter regarding '*kothi*' is not decided in their favour, the complainant may have to lose his life.
3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the complainant Dhanpat Singh as well as his own son Pankaj resiled from their statements when they stepped into the witness box. The learned counsel has today produced photocopies

of statements of PW-1 Pankaj son of Dhanpat, PW-2 Rajesh @ Bala and PW-3 Dhanpat (complainant), which are taken on record. A perusal of the said statements show that the material witnesses including the complainant have resiled from their statements.

4. The learned State counsel has, however, opposed the petition while stating that the accused being seasoned criminals have apparently won over the witnesses. It has been informed that while Vikas stands involved in 5 other cases, Sushil stands involved in 3 other cases. The learned State counsel has, however, informed that both the petitioners have been behind bars since the last more than 3 years and that as on date only 2 out of 51 prosecution witnesses have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioners are named in the FIR and also have earlier been involved in some cases. However, this Court cannot lose sight of the fact that when the complainant and other eye-witnesses stepped into the witness box, they have not supported the case of prosecution at till. The petitioners have been behind bars for a substantial period of more than 3 years. Conclusion of trial is likely to consume substantial time as 2 out of the cited 51 prosecution witness have been examined till date. In these circumstances, further detention of the petitioners will not serve any useful purpose.
7. 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.

8. A photocopy of this order be placed on the file of connected case.

24.5.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No