

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

CRM-M-19840-2022 (O&M)
Date of Decision:- 16.5.2022

Sachin

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Singh Jattan, Advocate with
Ms. Hasan Kaur, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Naresh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.61 dated 17.5.2018 at Police Station Barara, District Ambala under Sections 364, 34 of Indian Penal Code, wherein offences under Sections 25, 29 of Arms Act and under Sections 120-B, 302, 406, 420 of Indian Penal Code were added later on.
2. The FIR in question was lodged at the instance of Abhishek, wherein it is alleged that on 16.5.2018, he alongwith his 'mama' (uncle) Vivek

and his friend Ritik Rana were proceeding to Villaga Barara, District Ambala in their car bearing registration No.UP-12-R-6533 so as to meet their friend Rajdeep. While on the way, another car bearing registration No.HR-07S-7418 stopped in front of their vehicle and Shamsher Singh, Amar and Gautam alighted from the said vehicle. The said persons snatched the mobile phones of the complainant and others and switched off the same. It is alleged that the said persons forcibly took away complainant's uncle Sh. Vivek in their car.

3. Learned counsel for the petitioner submits that he has been falsely implicated in the instant case. It has been submitted that, the petitioner is nowhere named in the FIR and came to be nominated on the basis of statement of co-accused Shamsher, Gautam, Shakti and Amar Rana whereas such like statements of co-accused would hardly carry any evidentiary value. It has been submitted that, in any case, when the complainant as well as the eye-witness Ritik Rana were examined during the proceedings of trial, none of them has supported the case of prosecution and they have turned hostile and that, in these circumstances, the petitioner, who has been behind bars for a period about 3 years and 3 months, deserves to be released on bail. It has further been submitted that since co-accused i.e. Ajay Rana, Gautam, Kuldeep Singh and Amar Singh have already been granted bail by this Court and therefore, the petitioner also deserves the same concession on the ground of parity.
4. On the other hand, learned State counsel has opposed the petition and has submitted that when co-accused Shamsher and Amar Singh were

arrested, both of them suffered disclosure statements to the effect that after abduction of Vivek, he was taken to Derabassi, where the petitioner alongwith their co-accused committed murder of the deceased. Learned State counsel has further submitted that the petitioner is a seasoned criminal and that he stands involved in 3 other cases and in these circumstances, his release would not be in interest of the society. It has also been informed that as on date only 6 out of the cited 61 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is a case where there were two eye-witness to the alleged abduction of the deceased Vivek, who is alleged to have been later murdered. The said two eye-witnesses as regards the factum of alleged abduction, did not support the case of prosecution at all when they were examined during the proceedings of trial. The other allegations pertaining to murder are mainly based on disclosure statements of the accused themselves. The admissibility and veracity of such like disclosure statement would be debatable, particularly in the absence of any other connecting evidence. The petitioner has been behind bars for a substantial period of about 3 years and 3 months. Conclusion of trial is likely to consume time as only 6 out of the cited 61 PWs have been examined so far. Co-accused of petitioner namely Ajay Rana, Gautam, Kuldip Singh and Amar Singh have already been granted bail. In view of the totality of facts and circumstances particularly the fact that two of the material PWs have already resiled, further detention of the petitioner would not be justified. The

petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.5.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No