

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

I) CRM-M-17493-2020 (O&M)

Ajay Rana ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-23951-2021 (O&M)

Gautam ... Petitioner

Versus

State of Haryana ... Respondent

III) CRM-M-10023-2021 (O&M)

Kuldeep Singh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-25.3.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Kumar Yadav, Advocate,
for the petitioner in CRM-M-17493-2020.

Mr. Amit Chaudhary, Advocate,
for the petitioner in CRM-M-23951-2021.

Mr. Siddarth, Advocate for
Mr. Aman Pal, Advocate,
for the petitioner in CRM-M-10023-2021.

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

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Ajay Rana, Gautam and Kuldeep Singh seeking grant of regular bail in respect of a case registered 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, 364, 406, 420, 201 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-072-7418 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(s) submit that while petitioners Ajay Rana and Kuldeep Singh are not named in the FIR, the third person named in the FIR i.e. Gautam is having a different parentage. 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 petitioners, who have been behind bars for periods ranging between 2 years and 5 months to 3 years and 8 months, deserve to be released on bail.
4. On the other hand, learned State counsel has opposed the petitions 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 petitioners alongwith their co-accused committed murder of the deceased. Learned State counsel has further submitted that the petitioners are seasoned criminals and that while petitioner Kuldeep Singh stands involved in 10 other cases, petitioner Gautam stands involved in 4 other cases and petitioner Ajay Rana stands involved in 5 other cases and, in these circumstances, their release would not be in interest of the society. It has also been informed that as on date only 4 out of the cited 50 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 supported 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 petitioners have been behind bars for a substantial period. While petitioner Kuldeep Singh has been behind bars since the last about 3 years and 8 months, petitioner Gautum has been behind bars since the last about 3 years and petitioner Ajay Rana has been behind bars since the last about 2½ years. Conclusion of trial is likely to consume time as only 4 out of the cited 50 PWs have been examined so far. 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 petitioners would not be justified. All the three 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.

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

25.3.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No