

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

(I)	CRM-M-28743-2021 (O&M) Date of Decision:- 28.3.2022	
Ravi Sharma		... Petitioner
	Versus	
State of Haryana		... Respondent
(II)	CRM-M-29054-2021 (O&M)	
Jaswinder Singh		... Petitioner
	Versus	
State of Haryana		... Respondent
(III)	CRM-M-29059-2021 (O&M)	
Kamaljit		... Petitioner
	Versus	
State of Haryana		... Respondent
(IV)	CRM-M-50526-2021 (O&M)	
Yazur Pandey		... Petitioner
	Versus	
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate, for the petitioner
in CRM-M-28743-2021.

Mr. G.P.S.Ghuman, Advocate, for the petitioner
in CRM-M-29054-2021 and CRM-M-29059-2021.

Mr. Deepinder Brar, Advocate, for the petitioner
in CRM-M-50526-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by HC Nirmal Singh.

Mr. R.K.Khungar, Advocate for
Mr. G.S.Bawa, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned four petitions wherein petitioners Ravi Sharma, Jaswinder Singh, Kamaljit and Yazur Pandey, seek grant of regular bail in a case registered vide FIR No. 56, dated 13.4.2021, Police Station Raipur Rani, District Panchkula, under Sections 120-B, 201, 364, 392, 394, 395 IPC and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Nisha Chaudhary wherein it is alleged that on 13.4.2021 she was proceeding from her flat at Zirakpur along with friend of her son Rahul in their car which was being driven by their driver Satvinder Singh. It is alleged that when they reached a little ahead of Raipur Rani towards Naraingarh at about 4 pm, then a cream coloured Chevrolet vehicle forcibly made their vehicle stop and three persons alighted from the said vehicle. One of the said persons opened the driver's door and slapped driver

Satvinder and dragged him out of the car. Another person opened front left side door and slapped Rahul who was sitting on front passenger seat and dragged him out. One of those persons sat inside the car on the driver seat while another sat on the front passenger seat who brandished a pistol. The other person was carrying a knife. He took the car towards Naraingarh and proclaimed that they had kidnapped them for the purpose of murdering her. It is alleged that the said persons snatched the complainant's credit card, ATM cards, her mobile phone and also an amount of Rs.4 lakhs which had been kept in boot apart from the gold chain worn by the complainant and also a diamond pendant. Later they stopped the car and pushed out the complainant and fled away.

3. Learned counsel for the petitioners have submitted that they are nowhere named in the FIR and came to be nominated later on the basis of statement of driver Satvinder Singh who was also found to be in conspiracy with the remaining accused and had named all the accused including the petitioners.
4. Learned counsel has today placed on record examination in chief and cross-examination of complainant Nisha Chaudhary in CRM-M-28743-2021. The same is taken on record. While referring to aforesaid statement, it has been submitted that when complainant Nisha Chaudhary stepped into the witness box during the proceedings of trial she did not identify any of the petitioners to be the accused and categorically stated that the accused were having large built whereas the persons present in the Court appeared to be

like children. Complainant Nisha Chaudhary was accordingly declared hostile. Learned counsel have thus submitted that in these circumstances there being no admissible evidence against the petitioners, the petitioners deserve the concession of bail.

5. On the other hand, learned State counsel has submitted that though the petitioners may have been able to win over the complainant but the police during the course of investigation has collected call-details record of the accused which clearly shows that they were regularly in touch with each other on the day of occurrence and that the tower location also shows their presence at the spot and that in these circumstances their complicity is clearly evident. Learned State counsel has however, informed that the petitioners as on date have been behind bars since the last more than 11 months and that none of them is involved in any other case previously.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that none of the petitioners is named in the FIR and they came to be nominated subsequently on the basis of a disclosure statement made by co-accused Satvinder. It is also not in dispute that complainant Nisha Chaudhary who had witnessed the entire incident has absolutely resiled when she stepped into the witness box and has not identified any of the petitioners to be the accused who had committed the offence in question. The petitioners otherwise are stated to be having a clean record and are not involved in any other case. They have been behind bars for a substantial period of 11 months. Conclusion of trial is likely to consume time

inasmuch as only 2 out of the cited 22 PWs have been examined till date. In these circumstances further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail 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 each connected case.

28.3.2022
mohan

(GURVINDER SINGH GILL)
JUDGE

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