

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+214

(1)

CRM-M-15931-2023 (O&M)
Date of decision: 19.09.2023

Shakeel

.....Petitioner

Versus

State of Haryana

.....Respondent

(2)

CRM-M-19916-2023 (O&M)
Date of decision: 19.09.2023

Vineet Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saurav Bhatia, Advocate
for the petitioner in CRM-M-15931-2023.

Mr. Munfaid Khan, Advocate
for the petitioner in CRM-M-19916-2023.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-39605-2023 in CRM-M-15931-2023 and
CRM-39022-2023 in CRM-M-19916-2023

For the reasons mentioned in the applications, the same are allowed and copy of statement of the complainant is taken on record as Annexure P-6 in CRM-M-15931-2023 and Annexure P-3 in CRM-M-19916-2023 respectively subject to all just exceptions.

Main Case

1. Since both the petitions arise out of the same FIR i.e. FIR

No.671 dated 17.11.2022 under Sections 384, 386, 506, 34 of the IPC

and Section 25(1-B) of the Arms Act, 1959 registered at Police Station Gurugram Sadar, District Gurugram, they are being decided by a common order. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in the FIR in question.

2. Learned counsel for the petitioners inter alia contend that the petitioners who have been in custody since 18.11.2022, have been falsely implicated in the case in hand which is evident from the fact that while stepping into the witness box as PW-1, complainant Mohan Singh did not support the case of the prosecution as a result of which he was declared hostile. While drawing the attention of this Court to Annexure P-3 in CRM-M-19916-2023 which is deposition of the complainant, it has been contended that the complainant had categorically stated that he did not remember the mobile number from which he had received the alleged threats, pursuant to which he had placed ₹15 lakhs beneath a fly over, as per the instructions given by the caller on his mobile. Learned counsel have submitted that the complainant had further denied having made any complaint against both the petitioners while lodging the FIR in question. They submit that since the sole material witness i.e. the complainant stands examined, further incarceration of the petitioners would serve no useful purpose moreso since they have no criminal antecedents.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Brahm Pal, has not disputed that the sole material witness in the case in hand i.e. the complainant had not supported the case of the prosecution

as a result of which he was declared hostile. However, she submits that the prosecution case was set in motion on the complaint moved by none other than PW-1 complainant who had categorically alleged that both the petitioners had threatened him with dire consequences over the phone and thereafter had pressurized him to part with ₹15 lakhs which he, then, as per the instructions placed at the designated place. It has, however, not been disputed that the petitioners are not involved in any other case.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioners, who have been in custody since 18.11.2022, are not stated to be involved in any other case. Further incarceration of the petitioners would serve no useful purpose as trial would take considerable time to conclude and the sole material witness i.e. the complainant stands examined and has turned hostile. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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