

CRM-M-30999-2023
CRM-M-29578-2023 (O&M)

Neutral Citation No. 2023:PHHC:154190
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: December 01, 2023
Date of Decision: December 04, 2023

1. CRM-M-30999-2023

Manjot Singh ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-29578-2023 (O&M)

Hardeep alias Sunny ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Sandeep Saini, Advocate for the petitioner
(In CRM-M-30999-2023).

Mr. Ravinder Bangar, Advocate for the petitioner
{in CRM-M-29578-2023 (O&M)}

Mr. Sumit Jain, Addl. Advocate General, Haryana.

Ms. Prarthana Duggal, Advocate for
Mr. Namit Khurana, Advocate for the complainant.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439 Cr.P.C., petitioners have prayed for their release on regular bail in case FIR No.245 dated 29.04.2022, under Sections 148, 149, 323, 325, 307, 379-B, 427, 506 of IPC, besides Section 25 of the Arms Act, 1959, registered at Police Station City Jagadhari, District Yamuna Nagar.

2. FIR was lodged on the statement of one Amit Kumar, as per

which on 29.04.2022 when he had gone in his car to St. Thomas School,

Jagadhari, to take his daughter, he was way laid by Manjot Singh (*petitioner in CRM-M-30999-2023*) and Vikas Saini, who along with 5-6 other persons caused injuries to him with iron rods etc. Mani Jatt and Karan Gill were also specifically named to be amongst assailants. In supplementary statement, it was further disclosed that assailants had also taken away ₹70,000/- from the dash board of the car of the complainant.

3. It is contended by learned counsel on behalf of both the petitioners that despite specific directions given by this Court, complainant is not appearing before the Trial Court for completion of his statement. Even bailable warrants have been issued against him by the Trial Court, but he is moving repeated exemption applications. It is further contended that co-accused Manpreet @ Manni, Karandeep @ KD, Jaskaran @ Karan Gill and Kamalpreet have already been allowed bail by various orders passed by this Court or by the Trial Court. Learned counsel for the petitioners have further drawn attention of this court towards the custody period of the petitioners and submitted that trial may take time to conclude.

4. Opposing the bail petitions, learned State counsel has drawn attention towards the specific attribution, made qua the petitioners in the incident. Further attention is drawn towards custody certificates of both the petitioners, so as to contend that they are involved in various other criminal cases and that in case, they are released on bail, they may influence the witnesses. Prayer is made for rejecting the bail petitions.

5. I have considered submissions of both the sides and have appraised the record.

6. On 03.08.2023, it was informed to this Court that complainant Amit Kumar had not been examined so far and the next date of hearing before the Trial Court was 21.09.2023. On the assurance given by counsel for the complainant that complainant Amit Kumar will be produced on the next date of hearing before the Trial Court, matter was adjourned by this Court to 03.10.2023. However, zimni order dated 21.09.2023 of the Trial Court as placed on record by learned counsel for the petitioners would reveal that complainant Amit Kumar did not appear on that day and bailable warrants had to be issued. Matter was adjourned to 29.09.2023. Bailable warrants were received back unserved, but an application for exemption moved on his behalf was allowed and matter was adjourned to 13.10.2023.

7. In the meantime, on 03.10.2023, it was informed to this Court that because of the threats extended to him, complainant could not appear before the Trial Court. This Court adjourned the matter to 03.11.2023 and directed for providing necessary protection to the complainant, so that he could depose before the Trial Court without any fear on the next date fixed thereat, i.e., 13.10.2023. It is revealed that on 13.10.2023, complainant Amit Kumar appeared, but his statement was not recorded due to exemption granted to an accused and so, PW Amit Kumar was bound down for 20.10.2023. On the adjourned date, part examination of PW Amit Kumar was recorded and his cross-examination

was deferred at the request of defence counsel for 25.10.2023. On the adjourned date, i.e., 25.10.2023, Amit Kumar did not appear before the Trial Court. His exemption was allowed and matter was adjourned to 31.10.2023. As he did not appear even on 31.10.2023, bailable warrants were directed to be issued against him for 15.11.2023.

8. Before this Court, assurance was again given by counsel for the complainant on 03.11.2023 regarding the appearance of complainant Amit Kumar on the date fixed before the Trial Court, i.e., 15.11.2023. However, it is revealed that by taking up the file earlier, the Trial Court adjourned the matter to 22.11.2023. However, neither on 22.11.2023 nor on the adjourned dates of 23.11.2023 and 28.11.2023, complainant Amit Kumar appeared and he moved repeated applications seeking his exemption.

9. It is evident from the aforesaid circumstances that despite repeated assurances given to this Court, complainant Amit Kumar appears to be not intentionally appearing before the Trial Court for completion of his statement.

10 Apart from above, co-accused Jaskaran Singh has been allowed bail by this Court in CRM-M-32741-2022 (O&M), decided on 22.05.2023. Another co-accused Kamalpreet was allowed bail by the Trial Court on 14.07.2022. A juvenile accused was allowed bail on 08.07.2022. Another co-accused Karandeep Singh @ K.D. was allowed bail by this Court vide order dated 12.06.2023 passed in CRM-M-29950-2023.

11. Custody period of petitioner Hardeep alias Sunny is 01 year, 06 months and 05 days as on 30.11.2023; and that of petitioner Manjot Singh is 10 months and 06 days up to 02.08.2023.

12. Although, both the petitioners are involved in various other cases, as per custody certificate placed on record, but having regard to the overall facts and circumstances as noticed above, particularly, non-appearance of the complainant before the Trial Court despite repeated assurances given before this Court and despite protection provided to him and also considering the fact that some of the co-accused have already been allowed bail, but without commenting anything further on merits of the case, these petitions are allowed.

13. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds in the sum of ₹ 1 Lac each to the satisfaction of the trial Court concerned. It is also directed that none of the petitioners will try to approach the injured complainant or any of his family members, directly or indirectly, in any manner whatsoever; or influence the trial or any of the witness pertaining to this case. Further, they will not make any attempt to delay the trial. In case the trial court finds violation of any of these conditions or any other conditions, which may be imposed by the trial court, it will be at liberty to cancel the bail of such petitioner.

Allowed in above terms.

December 04, 2023

Sarita

Whether reasoned/speaking: Yes/No

(DEEPAK GUPTA)

JUDGE

Whether reportable: Yes/No

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