

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(221-2)

CRA-S-279-2024
Date of decision:- 26.04.2024

Rohit Ranga @ Monu

... Appellant

Versus

State of Haryana and another

... Respondent

(103+221-3)

CRA-S-3802-2023 (O&M)

Kunal

... Appellant

Versus

State of Haryana and another

... Respondent

(103+221-5)

CRA-S-545-2024 (O&M)

Tinku

... Appellant

Versus

State of Haryana and another

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anil Kumar Malik, Advocate
for the appellant in CRA-S-279-2024

Mr. Sandeep Saini, Advocate
for the appellant in CRA-S-3802-2023

Mr. Sandeep Lather, Advocate
for the appellant in CRA-S-545-2024

Mr. Aman Bahri, Addl. A.G., Haryana.

Mr. Pawan Kumar Hooda, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (ORAL)

CRM-17261-2024 IN CRA-S-3802-2023

1. Application is allowed as prayed for.
2. Annexures A-8 and A-9 are taken on record.

CRM-17003-2024 IN CRA-S-545-2024

1. Application is allowed as prayed for.
2. Annexures A-2 and A-3 are taken on record.

Main cases

1. This order shall dispose of three criminal appeals bearing **CRA-S-279-2024** titled as **“Rohit Ranga @ Monu Versus State of Haryana and another”**, **CRA-S-3802-2023** titled as **“Kunal Versus State of Haryana and another”** and **CRA-S-545-2024** titled as **“Tinku Versus State of Haryana and another”** as all the accused are before this Court by way of separate appeals seeking grant of regular bail under Section 439, Cr.P.C.
in:-

FIR No.	Dated	Police Station	Sections
267	21.07.2023	Model Town Panipat, District Panipat	148, 149, 323, 364-A, 365, 367, 377, 379, 506 and 511, IPC, Section 3(2)(v) of the SC & ST Act, however, later on Sections 3(1)(s) and 3(2)(va) of SC&ST Act and Section 34, IPC were added and Sections 377, 379 and 511, IPC and Section 3(2)(v) of the SC & ST Act were deleted

2. For the sake of convenience, facts are being taken from CRA-S-279-2024.
3. Case of the prosecution is that FIR, Annexure A-1, has been registered on the statement of Mohit Kumar alleging that his brother, Rahul, has been abducted and a call for ransom was received from Rohit Pannu demanding Rs.80,000/ for his release. He informed the police on Helpline No.112. His brother and his friend, Ashish, were recovered from Rohit Pannu and they disclosed that they had not only been kidnapped, but they had also been assaulted with wooden sticks and iron rods by Rohit Pannu

and his friends. Accused prepared some video recording. Allegation was also levelled that an amount of Rs.1800/-, as well as the Rickshaw Metro, had been snatched.

4. Counsel for the appellants contend that none of the accused-appellants have been named in the FIR. Reference has also been made to the testimony of the complainant - Mohit Kumar, PW-1, as well as that of the victim - Rahul, PW-2, to contend that no role has been ascribed to any of the appellants. It has been submitted that except for accused, Rohit Ranga and Rohit Pannu, both the material witnesses have failed to identify the appellants. In so far as Rohit Ranga is concerned, it has been urged that no allegation has been levelled against him by both the examined witnesses in their testimony, although, the victim in his deposition has named Rohit Ranga. It has been submitted that all the three accused are in custody since August/September, 2023 and the trial is at a nascent stage. Counsel have asserted that offence under SC&ST Act is not made out and there is no allegation of any objectionable utterance.

5. Per contra, learned State counsel, who is assisted by counsel for the complainant-respondent No.2, submit that all the material allegations have been levelled against Rohit Pannu, who had not only abducted Rahul, but along with co-accused, he inflicted serious injuries on him. State counsel submits that Rohit Pannu is in detention, though he has filed a petition for regular bail. State counsel could not dispute that no role has been ascribed to the present appellants. As per his instructions, two, out of thirty witnesses, have been examined.

6. I have heard counsel for the parties and considered their respective submissions.

7. Both the vital prosecution witnesses have been examined and they have not levelled any allegation against the appellants. On the basis of the instructions received, State counsel could not dispute that all the appellants have unblemished antecedents. Appellants have been in custody for the last more than seven to eight months and there is a remote possibility of an early conclusion of the trial. This Court, therefore, does not have any hesitation in accepting the appeals and ordering their release on bail.

8. Accordingly, all the three appeals are allowed. Impugned orders dated 04.12.2023, 06.12.2023 and 11.12.2023 passed by the learned Additional Sessions Judge, Panipat are set aside. Appellants are ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

10. Pending application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

26.04.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No