

2024.PHHC.128795



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-24231-2024

Date of decision: 27.09.2024

RAJBIR @ RAJU AND OTHERS**....Petitioners****Versus****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Raman Chawla, Advocate,
For the complainant.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioners crave for indulgence of this Court for his being enlarged on 'regular bail', in case FIR No.51, dated 02.02.2024, under Sections 148, 149, 201, 323, 365, 452 and 506 of IPC (Sections 323, 330, 34, 348, 368, 452, 506 IPC, added later on), registered at Police Station Samalkha, District Panipat.

2. All the three petitioners, were arrested on 16.02.2024, and were released on interim bail vide an order dated 02.08.2024, as passed by a co-ordinate bench of this Court. This Court vide order dated 19.09.2024, directed all the petitioners to re-surrender before the learned trial court concerned, so as to decide the instant petition, wherethrough, a prayer is made for grant of regular bail.

ALLEGATIONS AGAINST THE PETITIONERS

3. The instant FIR has been registered on a statement made by one

Vikram Singh. The relevant extract of the FIR reads as under:-

“I am Vikram son of Lakshmi, resident of Patti Kalyana, caste Jangra, aged about 22 years, I am working at Dream Land Hotel located on Nestle Road, I was present at the hotel yesterday, 01.02.2024, at around 8 am. I was alone there. When Joginder son of Baburam alias Bali came here and asked me to open the gate, because I knew him, I opened the gate, as soon as he came inside, he held my neck and started slapping and hitting me. From behind Joginder, Rajbir alias Rajju son of Baburam alias Bali, Triloki alias Kala son of Ramchander, Rajeev alias Huda son of Baburam alias Bali and 3 others entered the hotel. Rajbir alias Raju took out the DVR of the room and caught the other three people and then Raju and Dude started slapping and hitting me and Joginder and Triloki started beating me with the sticks lying in the hotel. After this, Raju said to make a video out of it and threatened to kill me and called me to name myself and 4-5 people in the incident that took place on Mahavati Road on the evening of 27.01.2024, which I kept saying seeing the threat to my life. Then from there Raju and Triloki took me in a black and white Swift car to the nearby Even Hotel and after beating me again, they made a video again. After being satisfied with the video, Raju told everyone that I had a talk in the post, take me there, from there Raju Triloki and another person took me in a white Swift from the wrong side via Nestle Road and took me to Haldana post at around 11 o'clock, which I remember very well. After taking them there, Raju got down from the car and another person also followed Raju. Talked to a fat man of about 40-45 years of age from Haldana post, after which Triloki got down from the car and took me in front of that man. There he held my neck and put pressure on me from behind and forced me to confess again what was said in the video. I got more scared after seeing Raju's conversation with the police at Haldana post and I reiterated verbally what was said in the video, after which the person said that the work has been done well, I will check it myself further. You keep this till the evening, I will tell them when the file arrives in the evening, after which Raju, Triloki and the third boy will take me in the car and take me from the service line to Raju's hotel LOTUS, they took me to Nestle Road, after which they threatened to kill me and intimidated me, took me on a motorcycle and dropped me at my hotel, that boy told me that if I ran away anywhere, he would kill me, then that boy went away crying and seeing the opportunity, I left from there.”

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

3. The learned counsel for the petitioners, in his asking for the hereinabove, submits that all the injuries suffered by the victim/complainant-Vikram, are simple in nature, and that too on his hands and legs, and his no vital part was injured.
4. He further submits that there is a considerable delay of one day, in lodging the instant FIR, therefore, it is a clear cut case of concoctions.
5. He also submits that there is no video evidence collected by the prosecution agency, which could substantiate the allegations as made in the FIR (*supra*).

6. He also submits that the petitioners have suffered incarceration of about 5 ½ months, as on today.

7. He further submits that the petitioners have never misused the concession of interim bail granted by this Court, and the petitioners are ready and willing to join the trial and will be available on each and every date.

SUBMISSIONS OF THE LEARNED STATE COUNSEL AND LEARNED COUNSEL FOR THE COMPLAINANT

8. *Per contra*, the learned State counsel assisted by learned counsel for the complainant, vociferously opposed the grant of regular bail to the petitioners, and submit that there is no delay in lodging the instant FIR, in fact the FIR has been filed lodged in a prompt manner.

9. Learned State counsel submits that the petitioners are habitual offenders as they are involved in other criminal cases as well.

10. He further, on instructions imparted to him by the police official concerned, informs this Court that in the instant case, a final report has already been filed on 05.04.2024, but the charges are yet to be framed. In the final report prosecution has cited total 11 witnesses.

FINAL ORDER

11. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

12. Be that as it may be, considering the nature of allegations levelled against the present petitioners, and the fact that the petitioners have suffered incarceration of about 5 ½ months, as on today, and the conclusion of the trial will take long time as the charges are yet to be framed, and the prosecution has cited total 11 prosecution witnesses in the final report, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners. Consequently,

without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

14. All pending application(s), if any, also stand **disposed** of accordingly.

27.09.2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No