



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-46917-2024

Date of decision: 25.09.2024

Rajan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Jaiveer Singh Malik, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.423 dated 02.09.2023 under Sections 323, 34, 364, 506 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station City Bhiwani, Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that while stepping into the witness box, the most material witness i.e. the complainant who was examined as PW9, and who had allegedly been abducted by the petitioner, had not supported the case of the prosecution, as a result of which he was declared hostile. Learned counsel has submitted that all the material witnesses in the present case stand examined and 09 prosecution witnesses still remain to be examined, hence, his further incarceration in the aforementioned facts



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and circumstances, would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“To the SHO, Police Station City Bhiwani, it is requested that I am Sohan, son of Sh. Madan Singh is a resident of Jitu wala Johad, near Vikas High School, Bhiwani. Today, i.e 01.09.2023 at about 8 pm I was sitting at the shop "Sh. Shyam Ticket Ghar" situated at Railway Station, Bhiwani. The manager of the shop- Sandeep son of Jagdish resident of Jitu wala Johad and Ajay son of Pardeep, resident of Durga Colony and Vijay son of Dhaniram, resident of Durga colony were sitting outside the shop and talking. At about 9pm, one car-Mark Swift (white colour) stopped in front of us and Rajan son of Balbir resident of Sewa nagar, Bhiwani and Virpal resident of Brijwasi Colony, Bhiwani alighted from the car. Rajan was having talwar in his hand and was exhorting that today we will kill you. On seeing Rajan and Virpal coming towards me, I ran towards the gate of the railway station, however after some distance, I fell down. I was caught by them and bundled into the car. After sitting in the car, Rajan told Mohit @ Sittu to drive fast and asked him to go from Chang Meham route. Rajan told another boy-Monu @ Jonga to hold me tightly so that I don't escape. They stopped the car on Meham Road towards the field and alighted from the car and Rajan, Virpal, etc. gave me slap, fist and danda blows due to which I got injuries on both my hands and feet. Rajan then told to take me to Sirsa so as to kill me and throw me there. I was again made to sit in the car and I was sitting by the window seat and we came back towards Meham Gate. Then due to vehicles coming in front of the car, the car stopped and taking advantage of the same, I ran away by jumping from the window of the car. All the accused threatened me that today I am saved but we will kill you in future. Rajan, Virpal, Mohit @ Sittu and Monu @ Joga kidnapped me with the intention to kill me and Rajan also showed me the pistol in the car. Some cases are going on with them due to old enmity. Legal action be taken against them all. Sd. Sohan son of Madan Singh resident of Jitu wala Johad, near Vikas High School, Bhiwani. Dated 01.09.2023. Mobile no. 7988584252. This application has been written by me at the instance of Sohan. Sd. Shripal son of



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Mahender Singh. Mobile no. 93050333042.”

4. Learned State counsel has reiterated the allegations against the petitioner. She has submitted that not only was the petitioner named in the FIR in question but it was the petitioner who had masterminded the abduction of the complainant and also threatened him with dire consequences. However, learned State counsel on instructions has not been able to dispute that all the material witnesses including the complainant, stand examined and during trial the complainant had been declared hostile. She, on further instructions, has submitted that the next date fixed before the learned Trial Court is 30.09.2024 when some of the remaining 09 prosecution witnesses are likely to be examined. Learned State counsel has placed on record the custody certificate of the petitioner and has asserted that a perusal of the same reflects the involvement of the petitioner in a number of criminal cases and hence, on this ground the petitioner does not deserve to be extended the concession of bail.

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

6. In the instant case, as not disputed, all the material witnesses including the complainant, stand examined and have not supported the case of the prosecution leading to they being declared hostile. No doubt, the petitioner is stated to be involved in a number of criminal cases, however, in the facts and circumstances which stand enumerated hereinabove, further incarceration of the petitioner in the present case, would serve no useful purpose. This Court, therefore,



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deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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