

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

**CRM-M-30192-2017 (O&M)  
Date of decision: - 28.9.2017**

**Ravinder Kumar**

**.....Petitioner**

**versus**

**State of Haryana**

**.....Respondent**

**CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: - Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Naveen Kaushal, Addl. AG. Haryana.

**ARVIND SINGH SANGWAN, J (ORAL)**

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 513 dated 9.12.2015 under Sections 302, 34 IPC and 25 of Arms Act registered at Police Station Indri, District Karnal, (Annexure P-1) and the challan filed by the police under Section 304, 109, 285, 34 IPC and 25/30 of Arms Act.

Learned counsel for the petitioner submits that co-accused of the petitioner Suresh has been granted the concession of regular bail vide order dated 28.7.2017 passed in **CRM-M-26031-2017, Suresh vs. State of Haryana,** in which following order was passed: -

“The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.513 dated 09.12.2015, for offence punishable under Sections 302 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered in Police Station Indri, District Karnal.

Learned counsel for the petitioner has submitted that as per the averments in the FIR, on 09.12.2015 in the night at about 01:00 A.M., the complainants were travelling in a canter from Nawanshehar to their village in Uttar Pradesh for the purpose of casting their votes. It is further alleged in the FIR that it was heavy fog in the night and the canter went to Bhanu Kheri towards the mining area of sand instead of Yamuna Ghat and when they reached near T point at Bhanu Kheri, suddenly firing from the side of fields started and one Khushnood son of Shamshad was hit with a bullet injury and he died at the spot. It is also alleged that Parvesh, Ahsaan and Ali Hassan also sustained bullet injuries. The police later arrested the petitioner, a Constable in Haryana Police who was assigned the duty of a Driver in official vehicle Tata Sumo along with one Constable Ravinder who was having his SLR and they were on guard duty. Learned counsel for the petitioner has submitted that as per the allegation in the FIR, no specific role has been attributed to the petitioner as it was dense fog and dark at 01:00 A.M. in the night when the alleged occurrence has taken place. Learned counsel has further submitted that the petitioner was only a Driver and was not assigned with any arm and ammunition in his official capacity, therefore, he has not caused any injury to deceased – Khushnood. It is further submitted on behalf of the petitioner that as per the post-mortem report of Khushnood, the injury which was fatal was found to be a bullet injury from SLR of Constable Ravinder and the three other injured persons named in the FIR i.e. Parvesh, Ahsaan, Ali Hassan were never medico legally examined by the police to support their version. Learned counsel further contended that the petitioner is in judicial custody since 13.12.2015 and challan has been presented on 20.08.2016 after a long time. The case before the trial Court is now stated to be fixed for 03.08.2017 for framing of charge and, thus, conclusion of the trial will take long time.

On the other hand, learned State counsel, on instructions from SI Satpal Singh, has opposed the prayer for bail on the ground that the bail application of co-accused has already been dismissed and three accused are yet to be arrested.

Heard.

Without meaning to express any opinion on merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Karnal.”

It is further submitted that petitioner was arrested on 10.12.2015; thereafter, challan was presented after about 8 months on 20.08.2016 and the case is stated to be fixed before the trial Court on 4.10.2017. He further submits that this fact shows that trial is going on at snail's pace and it will take long time in conclusion of the trial. He further submits that petitioner has already undergone about 1 year 9 months of judicial custody.

It is further submitted that two months prior to the occurrence, some cow smugglers caused fire arm injury to one constable Sanjay Kumar in his stomach and FIR No. 448 dated 19.10.2015 under Section 279, 336, 333, 353, 186, 307 IPC was registered at Police Station Indri. He further submits that at the time of alleged occurrence, petitioner was on government duty of Anti Cow Slaughter Wing, Police Post Biana as he was an employee of Haryana Police.

It is further submitted that as per the prosecution version, fire arm shots which caused injuries to the deceased were not aimed towards him and the injured persons were never medico legally examined. It is also submitted that other co-accused i.e. Vikram; Sanjay Rana; Rajesh Kumar and Rajesh have also been granted the concession of regular bail by the Additional Sessions Judge, Karnal.

Learned State counsel, on instructions from ASI Satyawar, does not dispute the factual position and stated that the case is now fixed for 4.10.2017 for

framing of the charges.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/ Chief Judicial Magistrate/Karnal.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)  
JUDGE

28.9.2017  
*preeti*

*Whether speaking/reasoned*  
*Whether Reportable*

*Yes/No*  
*Yes/No*