

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2108 of 2018 (O&M)
Date of decision : 1.3.2018

...

Ravinder Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

Mr. P.S. Jammu, Advocate for the complainant.

...

H. S. Madaan, J.

This petition for regular bail has been filed by Ravinder Kumar, an accused in FIR No. 134 dated 23.5.2017, for offences under Sections 307, 201, 341, 120-B IPC read with Section 34 IPC and Section 25 of the Arms Act, (Section 302 IPC added later on and Section 307 was deleted), registered at Police Station Sadar Dabwali, District Sirsa.

Briefly stated the facts of the case, as per prosecution story are that on 21.5.2017 at about 9.30 P.M. complainant Madan s/o Banwari Lal alongwith his son Naveen Kumar was returning home

on their tractor from their fields. When they had reached on Jandwala, Bharu Khera road, then Subhash brother of the complainant alongwith his son Parveen and Rajender son of Gopi Ram, son-in-law of brother of complainant, namely, Bahadur, were already standing. Rajender signaled the tractor to stop and while talking he fired 4 shots upon Naveen Kumar from his country made pistol, which hit Naveen Kumar on his arm, neck and shoulder. At that time Subhash and Parveen were standing nearby raising lalkara stating that 'Naveen should not be spared'. The complainant alighted from the tractor and tried to catch hold of the assailants but all three of them managed to run away on the motorcycle. Complainant took Naveen Kumar to the Civil Hospital, Dabwali, where he was given first aid and was referred to G.H. Sirsa, however, for better treatment the injured was taken to Sapra Hospital, Hisar. The motive for the incident as stated was that there was a dispute regarding partition of land between the complainant and his brothers. During treatment, Naveen Kumar had succumbed to the injuries suffered by him in the incident.

The accused were arrested in this case. Ravinder Kumar had filed an application for regular bail in the Court of Sessions, which was dismissed by the Sessions Judge, Sirsa vide order dated 4.1.2018, as such he has approached this Court for being released on regular bail. This request is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

According to the learned counsel for the petitioner, he is

not named in the FIR, his name cropped up during the investigation, in the disclosure statement of co-accused; he is behind bars after his arrest on 8.6.2017; the conclusion of trial is likely to take considerable time, as such he should be granted regular bail.

Whereas the request is being opposed vehemently, by the State counsel. According to him name of petitioner Ravinder Kumar came out in the disclosure statement of co-accused Rajender @ Jogi, who had stated that he alongwith Dinesh @ Dinnu and Ravinder Kumar, had conspired to commit murder of Naveen Kumar. Conspiracy is often shrouded in secrecy and it is to be judged from the facts and circumstances. A conspirator is equally guilty as an actual assailant. In the incident, a young boy has lost his life. Therefore, keeping in view the gravity of the offence and the fact that there is apprehension of the accused trying to tamper with the prosecution evidence and even abscond, if granted bail, the petition so moved, is doomed for failure and is dismissed accordingly.

1.3.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No