

207

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

CRM-M-22127 of 2018

Date of decision: July 27, 2018

Ravneet Garg

.....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. R.S. Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate for the petitioner.

Mr. Sumeet Goel, Retainer Counsel for CBI.

A.B. CHAUDHARI, J (Oral)

This is the third petition, under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.'), filed by the petitioner- Ravneet Garg, the Judicial Officer (under suspension) for grant of regular bail, in FIR No.RC 6(S)/2013-SCU.I dated 07.08.2013, under Sections 302, 34 of Indian Penal Code, 1860 (for short 'IPC') (final report filed under Sections 120-B, 304-B, 498-A of IPC and Section 30 of the Arms Act, 1959), registered at Police Station CBI, SC.I/ND, New Delhi.

The petitioner was married to the deceased-Geetanjali, on 03.11.2007. She gave birth to two daughters. At the relevant time, the petitioner was posted as Chief Judicial Magistrate, Gurgaon and was residing in Government quarters alongwith Geetanjali and two daughters. On 17.07.2013, between 4:15 P.M. to 5:15 P.M., at a distance of about 1 Kilometer from Police Lines, Sector-15, Gurgaon, dead-body of Geetanjali was found lying on the ground of Police Lines. On 20.07.2013, Pardeep Kumar Aggarwal, the real brother of Geetanjali lodged a FIR No.501 with

the Police Station Civil Lines, Gurgaon and registered case under Section 302, 304-B, 34 IPC. It was then found, after the conduct of postmortem of the dead-body, that Geetanjali had suffered four bullet injuries and the bullets were recovered by the Haryana Police from the place of incident and sent for FSL examination at Madhuban and the report was submitted by the FSL, Madhuban. The FSL report indicated use of two weapons in the crime, one country-made pistol and the other was Revolver. Ballistic report was also received. The revolver was found a licenced one to the petitioner. The informant-Pardeep Aggarwal son of Om Parkash, resident of House No.117, Sector-8, Panchkula, in FIR stated that they suspected that since the petitioner was posted at Gurgaon as Chief Judicial Magistrate, there was doubt about fair and fearless investigation by the local police and therefore, the matter should be entrusted to some other agency like CBI as Geetanjali was murdered.

The Investigator ruled out the possibility of suicide as there were four bullet injuries. The first shot was fired on the chest and therefore, the suspicion that other shots were fired on the neck or head was ruled out. The murder was as cruel as it could be since six shots were fired. The petitioner did not give any explanation as to how his licenced revolver was used when the same was in safe custody. It was not his case that revolver was stolen by anybody nor any complaint was lodged by him in the Police Station.

As per request of the complainant-party, the Central Bureau of Investigation took over the investigation and made a thorough investigation from all angles for number of months. Finally, the Central Bureau of Investigation filed charge-sheet in the competent Court. The petitioner

had approached this Court for grant of regular bail after filing of the charge-sheet and before commencement of the trial, by filing the petition, i.e. CRM-M-4393 of 2017. The petition for bail was rejected by this Court, on 03.04.2017, vide lengthy order as this Court was called upon to answer all the points raised before it on facts as well as in law. This Court had also ordered framing of charge in a specified time and conclusion of recording of evidence within the specified time.

The present petition for grant of regular bail was filed in this Court, on 20.05.2018, after commencement of trial. On 29.05.2018, this Court made the following order:-

“Learned counsel for the respondent-CBI makes a statement that the complainant would be examined on 03.07.2018 before the trial Court.

Learned trial Judge concerned is directed to get the examination-in-chief, cross-examination or as the case may be, of the complainant, done before 10.07.2018.

List again on 18.07.2018.”

From the perusal of the above order, it is clear that this Court did not desire to grant regular bail to the petitioner unless the examination and cross-examination of the material witnesses was undertaken. That is why, the petition was posted for regular bail after the dates meant for recording of evidence. It appears that in the meanwhile, and as stated by the learned counsel for both the parties, evidence of complainant/informant PW17-Pardeep Aggarwal was recorded before the Court of Special Judge, CBI, Haryana at Panchkula. It also appears that evidence of his father PW13-Om Parkash has also been recorded and their cross-examination has also been completed.

I have carefully perused the deposition of both these witnesses

recorded before the trial Court during trial. These were the star witnesses of the prosecution and rather the blood relatives of the deceased Geetanjali. These witnesses had got their statements recorded under Section 161 Cr. P.C., in which specific and detailed evidences were projected against the petitioner, his father and mother, which were also considered when the earlier petition for grant of regular bail was rejected. Perusal of the deposition of both theses witnesses clearly show that the CBI prosecutor recorded their examination-in-chief, meticulously. But then, both theses witnesses have shown their determination to resile from their previous statements and jettison the prosecution case. In other words, both theses witnesses had taken somersault and became hostile to the prosecution. The CBI prosecutor having realised that both theses witnesses have taken somersault made their cross-examination in all details with reference to their previous statements, but then looking to their answers in the cross-examination, it is clearly seen that both theses witnesses have deliberately decided to not to stick to their stand at the time of lodging of FIR and thereafter, from time to time before the police as well as CBI investigation. To put in other words, both these material witnesses have remained obdurate and stated that, no offence even remotely took place in relation to the cruel death/murder of Geetanjali, the daughter of PW13-Om Parkash. The third witness, which would be examined by the trial Court is the wife of PW13-Om Parkash. She has not yet been examined. But then, as stated earlier, since PW13-Om Parkash and his son/informant Pardeep Aggarwal have decided and are determined not to support the prosecution case, there is no point in continuing the detention of the petitioner as under trial as the prosecution may not be able to achieve anything. The petitioner was

arrested on 07.09.2016 and since then, he is in jail. In my opinion, taking overall view of the entire matter, now there is no justification in declining the relief of grant of regular bail to the petitioner.

As discussed earlier, PW13-Om Parkash and PW17-Pardeep Aggarwal both have *prima-facie* committed perjury. Reading of their examination-in-chief as well as cross-examination clearly indicate so. This Court, however, wonders as to why the prosecution as well as the trial Court both have not proceeded to take any action for perjury against them. It is expected of the Court nay it is his duty to act according to law as interest of the State and Society demands.

It is then significant to note that PW13-Om Parkash Aggarwal and PW17-Pardeep Aggarwal both father and son had made a hue and cry about the investigation that was carried out by the Haryana Police and had asked for holding of CBI investigation. That was granted and accordingly, the CBI, after making strenuous efforts made the investigation and finally, filed the charge-sheet. The question is, when PW13 and PW17 both had set the criminal law in motion and forced the State as well as CBI to spend money, energy and time at their behest, can they be allowed to chuckle at the prosecuting agency and walk away easily without reimbursing costs and paying any compensation to the State police as well as the CBI. This trend has started setting in the administration of criminal law justice system which must be nipped in the bud. In my firm opinion, it is the duty of the trial Judge, before the decision of the trial, to quantify the amount of costs/compensation incurred by the State police as well as the CBI, at the behest of PW13 and PW17 right from the beginning till the end and also for utilisation of the Court machinery. The Court may also attach their

properties. Ofcourse, that shall be done on issuing show-cause notices to PW13-Om Parkash Aggarwal and PW17-Pardeep Aggarwal and after obtaining their replies with evidences, hearing them and thereafter, making the order for doing so, according to law.

In the result, I make the following order:-

ORDER

- (i) **CRM-M-22127 of 2018** is allowed;
- (ii) The petitioner is ordered to be released on regular bail to the satisfaction of the Special Court (CB), Haryana at Panchkula/ Duty Magistrate;
- (iii) The petitioner shall not tamper with any prosecution witness nor shall visit them;
- (iv) In case of violation of the above condition on the part of the petitioner, liberty is reserved in favour of the State/CBI to apply for cancellation of bail;
- (v) The petitioner shall surrender his passport with the trial Court, if he possesses the same;
- (vi) The trial Court is directed to take note of the directions issued by this Court in the order and act accordingly.

(A.B. CHAUDHARI)
JUDGE

July 27, 2018

mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**