

CRM No.M-49759 of 2017

[1]

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

Sr. No.201

**CRM No.M-49759 of 2017
DECIDED ON: January 16, 2018**

RAVI @ BHOLA

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.D. Khan, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

JASPAL SINGH, J.

Through the second petition preferred under Section 439 Cr.P.C., petitioner has sought grant of bail in case bearing FIR No.636, dated 02.08.2016, under Sections 147, 148, 149, 302 of IPC (later on added under Sections 120-B and 216 of IPC), registered at Police Station Camp, Palwal (Haryana).

2. Instant case stands registered on the basis of telephonic information was received by MHC, PS Camp, Palwal on the allegations

CRM No.M-49759 of 2017

[2]

that on 02.08.2016 with regard to an attack on a person near Chandi Gupta's Farm House, Aligarh Road, Palwal. On receipt of this information, the police party reached at the spot, where dead body of Krishan @ Virender son of Narvir, resident of Village Kithwari was found lying in a pool of blood and complainant was present at the spot, who submitted a written complaint unfolding that on 01.08.2016 at about 8.30 pm, his nephew Krishan @ Virender was going towards his house, situated at Village Kithwari on his motor cycle bearing registration No.HR-30G-5284 and when he reached near the crossing of Chandi Gupta's Farm House at Aligarh road, suddenly eight youths intercepted him after creating an obstruction on his way by parking a Pulsar motor cycle in front of the motor cycle of Krishan. Out of them, Ajit and Mahipal opened an attack upon him with knife and sword. Umesh, Rahul and two more unknown youths were amongst the assailants and they were armed with axes. He alleged that accused Mahipal and Ajit were already nursing a grudge against the family of complainant as earlier they had been handed over to the police by the complainant for misbehaving with his wife and children. He disclosed that out of this grudge, accused persons along with others had murdered his nephew and he had seen the occurrence in the vehicular lights.

3. Here it would also be pertinent to mention that subsequently on 04.08.2016, the aforesaid Ranvir-complainant also made supplementary statement alleging that for committing the murder of his son Krishan @ Virender, accused Ravi @ Bhola s/o Shankar, Yogesh s/o Devi Singh and Chatter Singh s/o Rohtash have hatched conspiracy while

CRM No.M-49759 of 2017

[3]

sitting on rice mill and extended assistance to Mahipal for killing aforesaid Krishan @ Virender.

4. The contention of learned counsel for the petitioner is that petitioner is innocent and has not committed any offence. Neither he was present at the spot nor named in the FIR. He has been falsely implicated in this case their being animosity with the complainant party. Otherwise also, petitioner stands arrested for the commission of offence under Section 216 IPC only, which is bailable warrant. No other offence is made out against the petitioner. He further contends that neither petitioner gave shelter to any of the accused nor hatched conspiracy for committing the murder of Krishan @ Virender. No recovery has also been effected from the petitioner in connection with crime. Even on conclusion of investigation, report under Section 173(2) Cr.P.C. has also been presented and as such, petitioner is also not required for any further investigation or interrogation. He also undertakes to co-operate with trial and to abide by all the terms and conditions imposed by this Court in case, he is granted the concession of bail.

5. On the other hand, learned State counsel has opposed grant of bail to the petitioner submitting that petitioner hatched the conspiracy with his co-accused namely Mahipal, Ravi @ Bhola, Yogesh and Chatter Singh. In pursuance of which, murder of Krishan @ Virender was committed. He has not been arrested simply for the commission of an offence under Section 216 IPC only but for the other offences also under which, instant FIR stands registered. Their being serious and specific allegations against the petitioner, he does not deserve concession of bail.

CRM No.M-49759 of 2017

[4]

6. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the parties and have perused the record.

7. A glance at the contents of FIR as well as supplementary statement of complainant-Ranvir makes it prima facie evident that petitioner is not arrested only under Section 216 IPC. No doubt, these offences were added subsequent to registration of the FIR but the name as well as role of petitioner have specifically figured in the supplementary statement. Otherwise also, there was some previous animosity as unfolded by the complainant with the accused. Since, there is a specific role attributed to the petitioner and the fact that petitioner has been arrested for the commission of murder of a young boy, thus, this Court is of the considered view that the mere fact that petitioner is behind the bars since 05.08.2016 is itself no ground to enlarge him bail.

8. Accordingly, instant petition stands dismissed.

January 16, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No