

CRM-M-5969-2018 &
CRM-M-12278-2018

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

(1) CRM-M-5969-2018

Bijender

...Petitioner

Versus

The State of Haryana

...Respondent

(2) CRM-M-12278-2018

Ram Rattan @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:15.5.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Kulwant Singh, Advocate
for the petitioner in CRM-M-5969-2018.

Mr.Sandeep S. Majithia, Advocate
for the petitioner in CRM-M-12278-2018.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Tejinder Pal Singh, Advocate
for the complainant.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-

5969-2018 filed by petitioner – accused - Bijender and CRM-M-12278-2018 filed by petitioner - accused – Ram Rattan @ Kala for grant of regular bail in case FIR No.14 dated 15.1.2017, under Sections 302, 216, 120-B read with Section 34 IPC, registered at Police Station Matlauda, District Panipat.

Briefly stated, facts of the case as per prosecution version are that on 14.1.2017 at about 7:00 p.m. when complainant Mahabir Singh along with others was going towards village Bhandari in a Bolero vehicle, then in the area of village Bhandari, he saw his brother Satbir @ Satta lying on the ground with his motorcycle in a damaged condition lying nearby; that Satbir was shifted to the Bolero vehicle and on being inquired, he disclosed to the complainant that Kadam Singh son of Ram Mehar, Kala son of Ramphal, Bijender son of Inder (one of the petitioner) along with 2-3 other persons had hit him twice with Bolero vehicle having registration No.HR-06D-1671 with an intention to kill him and after presuming him to be dead, they sped away towards the fields. However, on reaching Civil Hospital, Panipat, Satbir @ Satta was declared to be dead. The motive given is that Kadam Singh was indulging in illegal sale of liquor and Satbir @ Satta, who was Incharge of country-made liquor vends at Matlauda belonging to Naresh Kumar and Company had been asking him not to do so and an altercation had taken place between them on an earlier occasion. On a complaint made by Mahabir Singh, formal FIR was registered. Accused-petitioner Bijender was arrested on 18.1.2017 and accused-petitioner Ram Rattan @ Kala was arrested on 17.1.2017..

Both the petitioners had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there, as such, they have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Learned counsel for the petitioners have contended that Satbir had lost his life in a road side accident but it has been converted into murder wrongly involving the petitioners and others. No specific role is attributed to the petitioners and Sandeep @ Deepu, who was similarly placed have been discharged by the police, therefore, regular bail be granted to the petitioners. Further learned counsel for the petitioner Ram Rattan @ Kala has stated that he was not driving the Bolero vehicle, which allegedly hit the deceased and as per the prosecution case, he was simply an occupant. Therefore, concession of regular bail be granted to the petitioners.

Whereas, this request is being opposed by the State counsel as well as counsel for the complainant contending that petitioner Bijender is specifically named in the FIR and as a result of investigation, his involvement in the incident was found to be there; the petitioners were occupants of the Bolero vehicle with which deceased was hit with an intention to kill him; that they cannot claim innocence while praying for grant of regular bail and if granted bail, there is every likelihood of their absconding and even tampering with the prosecution evidence .

After hearing the rival contentions of learned counsel for the parties, I find that keeping in view the facts and circumstances of the case especially, the fact that it is a case of unnatural death of a human being, which cannot be taken lightly and the apprehension expressed by the State counsel that if petitioners are granted bail, there is every likelihood to their absconding and even tampering with the prosecution evidence cannot be brushed aside lightly, the petitions are bound to fail. As regards the pleas taken by the petitioners, those may be relevant during the trial but not at this stage.

Therefore, finding no merit in the petitions, the same stand dismissed.

15.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No