

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

Decided on: 04.04.2019

1. CRM-M No.6566 of 2019 (O&M)

Raman @ Ramna

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.7208 of 2019 (O&M)

Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parveen Sharma, Advocate
for the petitioners (in both the petitions)

Mr. Himmat Singh, DAG, Haryana (in both the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Raman @ Ramna and Sonu under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.42 dated 19.01.2018, for offence punishable under Sections 148, 149, 302, 506, 216, 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Samalkha, District Panipat.

Counsel for the petitioners have submitted that both the petitioners were not named in the FIR and as per the allegations in the

FIR, the complainant along with her husband Kanwar Bhan were going on a motorcycle on 18.01.2018, when Ankur, Sandeep, Rohit, Neeraj and Joginder came in a white colour Swift car bearing No.HR60-E-1949 and intercepted the motorcycle and all these persons along with 02 other persons alighted from the car and caused injuries to the husband of the complainant, who later on died.

Counsel for the petitioners have further submitted that at the first instance, the police has arrested one Virender @ Baru, who made a disclosure statement on 19.01.2018 and in his disclosure statement, name of both the petitioners – Raman @ Ramna and Sonu did not figure but on his disclosure statement, another accused Ankur was arrested and he made a disclosure statement, in which again the name of the petitioners were not surfaced, however, in the second disclosure statement dated 24.01.2018, the name of the petitioners i.e. Raman @ Ramna and Sonu figured, in which it is stated that the petitioners – Raman @ Ramna and Sonu are his friends and they all conspired to commit the murder of Kanwar Bhan.

Counsel for the petitioners has further submitted that one of the co-accused namely Balwinder Singh has already been granted bail by the trial Court and other co-accused namely Sumit @ Mota and Mahabir, have been granted the concession of regular bail by this Court vide orders dated 21.11.2018 and dated 17.12.2018 passed in CRM-M Nos.46332 and 54483 of 2018, respectively. It is further submitted that later on Sunil @ Sheela was also granted the concession of regular bail vide order dated 25.01.2019 passed by this Court in CRM-M No.64520

of 2018.

Counsel for the petitioners have further submitted that the complainant has appeared as PW2 before the trial Court on 25.03.2019 and in her examination-in-chief, she has nowhere mentioned the name of the petitioner – Raman @ Ramna though, she has identified 02 persons i.e. the petitioner – Sonu and another accused – Sunil that they are also present but no attribution is made towards them. It is further argued that thereafter, the case was adjourned to enable the prosecution to move an application under Section 319 Cr.P.C. for summoning 02 persons i.e. Rohit and Neeraj as an additional accused and the case before the trial Court is now fixed for arguments on the said application.

Counsel for the State, on instructions from ASI Satish Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of petitioner have already been granted the concession of bail, as noticed above; the petitioner – Raman @ Ramna is in custody from the last 01 year and 17 days while the petitioner – Sonu is in custody from the last 01 year, 02 months and 07 days and conclusion of the trial will take some time, these petitions are allowed the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

(ARVIND SINGH SANGWAN)
JUDGE

yakub

Yes/No

Yes/No