

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46344 of 2019

Date of Decision: 20.12.2019

Ravinder @ Kaidiman

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.
Mr. Saurabh Girdhar, AAG, Haryana.
Mr. Tanvir Grewal, Advocate with
Mr. Sahil Gopal, Advocate for the complainant.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.573 dated 28.07.2017 under Sections 302,394,397,120-B,34 IPC and Section 25 of the Arms Act registered at P.S Civil Lines, District Gurugram.

FIR was registered on the statement of Resham Devi. She stated that her husband Surinder Singh Rana was earlier working in WNS Company Gurgaon. He left the job and started taking tender of tea of the said Company. He was also working on the post of Coordinator, Haryana for J.K 24 x 7 News Gurgaon. On 28.07.2017 at 10.30 am, he had gone to the Company in his vehicle- Safari and to deposit the fees of his son in RMS Secondary School, Gurgaon. She received intimation that her husband had been shot dead and his dead body was lying in District Hospital, Gurgaon. She stated that she had got registered an FIR No.775/16 under Sections 323,452 IPC at Police Station, City Gurgaon against Satpal Pehalwan, Bala Devi and Naveen Bala and the elder son of Naveen Bala which was pending in the Court at Gurgaon at the stage of evidence. For the past ten days Sanjay- brother-in-

law- of Bala was regularly keeping track of the movements of her husband and also used to meet him on some pretext and used to say that Satpal had been issuing threats to kill him. She stated that a conspiracy has been hatched to murder her husband and children. She suspected that her husband had been killed by Satpal Pehalwan, Bala Devi, Naveen and Sanjay by firing shots at him. She apprehended that she and her sons would also be killed. She stated that her husband was carrying his licenced revolver and Rs.50000/- for depositing the fee of her son and purchase of material which was also missing.

Learned counsel for the petitioner has argued that the petitioner has not been named by the complainant. The case is based on circumstantial evidence. The petitioner has been implicated only on the disclosure statement of Satpal that he had called Rohit @ Bhim to meet him on 28.07.2017 and that Rohit @ Bhim had brought the petitioner along with him. Satpal took Rohit @ Bhim aside and told him that he would be paid Rs.50000/- for kidnapping the deceased. In his disclosure statement Satpal had also disclosed about the part played by the petitioner in the killing of the deceased.

Learned counsel for the State on the other hand argued that there is sufficient evidence against the petitioner. He played an important role in the murder of the deceased. The Identity Card of the deceased was got recovered on the basis of the disclosure statement of the petitioner. There is no explanation that if the petitioner was not involved in the crime how he came into possession of the ID card of the deceased.

The petitioner had earlier filed Criminal Misc.No.39330 of 2018 for grant of bail which was dismissed as withdrawn on 14.9.2018 with liberty to file fresh one after recording of statements of private witnesses.

Learned counsel for the petitioner has argued that statements of the complainant-Resham Devi and her son Yuvraj have been recorded. In her

statement, PW1 Resham Devi- complainant has reiterated that her husband was murdered by Satpal Pehalwan, Bala Devi, Sanjay and Naveen. She has not implicated the present petitioner in any manner. Nor has the petitioner been implicated by PW 2 Yuvraj.

The petitioner is in custody since 17.08.2017 and out of 27, only 10 prosecution witness have been examined.

Keeping in view the facts and circumstances of the present case and taking into account the fact that the trial of the case may take long time and no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

December 20, 2019
Manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No