

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

CRM-M-61780-2018 (O&M)
Date of decision : 11.12.2019

Rinak Pal @ Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Khurana, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Anand Bishnoi, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.0083 dated 03.08.2018 registered under Sections 148, 149, 323, 341, 302 of the Indian Penal Code at Police Station Rohrai, District Rewari.

Facts of the case as narrated in the FIR are as under:-

“It is submitted that I, Deepak S/o Narender Singh Caste Rajput, am resident of Village Hansawas. My friend Ishwar S/o Gopal caste Goswami Village who used to reside with his maternal uncle in village Baghpur, had come today in the village for taking kavad. That me and

my friend Ishwar and Devender S/o Yadram caste kumhar village Hansawas and Vikas S/o Sumer Singh caste Rajput village Hansawas, all three, met our friend Ishwar S/o Gopal caste Goswami near the school. That I and Devender, Vikash on the motorcycle of Devender HR36Z-6508, whose driver was Devendr and Ishwar and Ishwar by sitting on his motorcycle HR77A4315 moved for Gurawara Bus Stand for putting chain set in the Bike. When we reached at Railway crossing Gurawara-Hansawas Road at about 3:30 p.m. then Devender S/o Chiman Lal caste Harijan village Hansawa and his few friends came on 4 motorcycles from behind. 10-12 boys came with Hockey, danda, rod, Kush in the hands and there was sabal (kush) in the hand of Devender S/o Chiman lal. Who was resident of Village Hansawas, whose caste is Harijan. He after stopping his biked before the bike of Ishwar, attacked Ishwar with sabal, because of which he fell down then Baljit S/o Hetram Village Hansawa had hockey in his hand, he on coming hit leg of Ishwar with hockey. Then Deepak s/o Hariram gave wooden danda blow. In the meantime Narbir s/o Mangatram gave him leg and danda blows and with them Amit S/o Bharphool village Gadhla caste Jat were attacking on his legs and mouth and were giving kush blow on the chest. And another 4-5 persons were there. The names of which we do not know who had also given danda and lathi blow to the Ishwar. Then we three started running the from behind among when of them gave hockey blow on the head by which his head ruptured. And we three ran into fields by saving our lives. That afterward we came to know that Ishwar had died because of injuries suffered in this quarrel. That above-mentioned persons

came with common intention on the motorcycles and all of sudden attacked Ishwar and us with lathi, danda, rod and hockey. Because of which Vikas and Ishwar suffered injuries. Ishwar had died on the spot. The reason of enmity is that 4-5 days earlier altercation took place in the above-mentioned village with Ishwar. Afterwards when other people came then we also came on the spot and I have given application to you. 10-12 above-mentioned person have ran towards Gurawara after attacking Ishwar. Action be taken against the accused. During quarrel Ramehar S/o Lilaram resident of Hansawas also came. Applicant-Deepak Deepak S/o Narender Singh caste Rajput resident village Hansawas. Date 3/08/2018 9729887606 XXXXX XXXX.”

Learned counsel for the petitioner submits that the petitioner has been falsely implicated being brother of Devender, a co-accused. He further submits that no specific injury is attributed to have been caused by the petitioner. He further submits that even as per the case of the prosecution, petitioner was armed with a wooden baton. He further submits that the petitioner is in custody since 06.08.2018. Investigations are complete and the police report as required under Section 173 Cr.P.C. has been presented. However, conclusion of the trial is likely to take time.

Keeping in view the aforesaid facts, on 04.12.2019, learned counsel for the State was requested to get the CCTV footage examined from a responsible officer and file an affidavit. An affidavit of Deputy Superintendent of Police, Rewari has been filed in which it has been stated that Rinak Pal @ Rinku-petitioner was seen travelling on a

motorcycle, coming from and going to the place of occurrence.

Keeping in view the facts of the case and without commenting on the merits of the case, it is considered appropriate to release the petitioner on bail particularly when even as per affidavit of Deputy Superintendent of Police, Rewari, CCTV footage only prima facie establishes his presence at the place of occurrence.

Accordingly, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

11.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No