

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-6359-2020 (O&M)

Date of decision: 13.02.2020

**Ravinder Yadav @ Fauji @ Kala**

**....Petitioner**

**Versus**

**Central Bureau of Investigation**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. P.K. Rapria, Advocate  
for the petitioner.

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**ARVIND SINGH SANGWAN, J.**

Prayer in this petition is for grant of anticipatory bail in FIR No.RC SI 2016 S 0009/CBI/SC-1/New Delhi dated 05.12.2016 under Sections 302, 307, 376-D, 376(2)(i), 323, 325, 459, 460, 120-B of the Indian Penal Code (for short 'IPC') and Section 6 of Protection of Children from Sexual Offence Act, 2012 (for short 'POCSO Act').

As per allegations in the FIR, which was initially registered by the Haryana Police i.e. FIR No.247 dated 25.08.2016 under Sections 459, 460, 376D, 302, 325, 326, 396, 397 IPC, Section 6 of POCSO Act and Sections 25/54 of Arms Act, at Police Station Tauru, District Nuh, complainant-victim Sarjina recorded a version that on the day of Eid, she was present at her parental home and her uncle (chacha) Jafaruddin along with

other family members were sleeping in the courtyard and she was sleeping with her aunt's daughter (mother's sister) Alisa and her sisters Safa and Salma. She heard noise from outside and meanwhile, 4-5 persons trespassed the house, tied her uncle Jafaruddin and others with the cot and hit them with dandas and rods and then, three men forcibly committed rape on the complainant and Alisha, turn by turn. One person was armed with a local-made gun. Thereafter, they searched the boxes in the room and locked her and her sisters Alisha, Safa and Salma inside the room and took away the motorcycle. All men were healthy and tall and speaking in Haryanvi dialect. Somebody informed her maternal grandfather Juhruddin about the incident, who came and untied all of them. Later on, the injured were shifted to hospital, where Rasidan wife of Ibrahim as well as Ibrahim were declared dead.

In order to cut short the details of investigation, it is relevant to mention that the case, thereafter, was handed over to CBI for further investigation and the CBI has submitted the challan against four accused persons, after obtaining report from the FSL, which indicated confirmation of matching of DNA profile of the accused persons. Thereafter, a supplementary challan was also presented.

Learned counsel for the petitioner has submitted that as per the investigation conducted by CBI, members of victim's family have stated that deceased Rasidan, before her death, disclosed the name of accused persons, though the Medical Board report suggests that she was not in a position to make her statement. It is further submitted that the petitioner, throughout the

investigation by the CBI, was not arrested and therefore, there is nothing to be recovered from him. Learned counsel further submits that as per the FIR, there were 4-5 assailants, but as per the final report, now the investigating agency has arrayed more persons as accused. It is also submitted that the petitioner is serving in Indian Army and there is no possibility of fleeing from the justice and he has no criminal antecedents, therefore, he is entitled to anticipatory bail.

Learned counsel for the petitioner has further submitted that the petitioner was summoned by the trial Court and thereafter, he moved an application for grant of anticipatory bail. The Special Judge (CBI), Haryana, at Panchkula, vide order dated 07.02.2020, dismissed his anticipatory bail application on the ground that when the statement of PW6 Parvez and PW9 Imran were recorded by the investigating agency, they had specifically named the petitioner-accused in their statements, therefore, prima facie evidence has come on record to make out a case for involvement of the present petitioner.

After hearing learned counsel for the petitioner, I find no ground to grant concession of anticipatory bail to the petitioner.

As per the FIR, two persons namely Ibrahim and Rasidan were murdered and two victims 'S' and 'A' (minor girl) were gang raped, apart from this, an attempt to commit murder by causing grievous injuries to the victims including Jafaruddin, Ayasha, Parvez, Naved etc. and by way of house trespass at night and even by looting the ornaments and cash from the house of the victims, was done.

As per the challan submitted by the investigating agency, victim

Ibrahim was given beatings by Amit Yadav @ Sonu and Ravinder @ Fauji and due to the injuries, Ibrahim died later on. At the time of incident, petitioner Ravinder Yadav @ Fauji @ Kala was seen holding an unlicensed weapon in his hand and this fact is also corroborated by PW6 Parvez and PW9 Imran in their statements given to the investigating agency.

At this stage, it cannot be said that the petitioner is innocent and has not committed the heinous offence of double murder and gang rape, therefore, finding no ground to grant anticipatory bail to him, present petition is dismissed.

13.02.2020  
*vishnu*

[ ARVIND SINGH SANGWAN ]  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |