

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15811 of 2020
Date of decision:03.07.2020

Ravinder @ Marinda

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Vivek Sheoran, Advocate
for the petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

SUVIR SEHGAL J.

This matter is being taken up for hearing through video conferencing due to Covid-19 pandemic.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure is for grant of bail pending trial to the petitioner, namely, Ravinder @ Marinda, in case arising out of FIR No.0046 dated 22.03.2019 (Annexure P-1) under Sections 147, 148, 149, 323, 324, 365 and 506 of Indian Penal Code, 1860 (for brevity 'IPC') registered at Police Station Pillu Khera, District Jind wherein police report under Sections 25 and 27 of the Arms Act, 1959 and Sections 147, 148, 149, 323, 324, 365, 364, 342, 302, 201 and 506 IPC (Annexure P-2) has been filed by the Investigating Agency.

The above mentioned FIR was registered on the statement of Ajay son of Dharampal who stated that on 21.03.2019, the complainant and his neighbour, Manjit were waylaid by the accused and that he was beaten up and abandoned in the field. The motive behind the act of accused was

previous enmity. Manjit managed to escape and informed the family of the complainant. Thereafter, when the father of the complainant, Dharampal @ Pala alongwith Manjit and Ramesh went to Badal's home to inquire about the incident, they were assaulted by the accused. During interrogation, the petitioner and other accused made a disclosure statement that they had kidnapped Dharampal @ Pala, beaten him and killed him. They further revealed that with an intention to dispose of the body, they threw the same in a tank of boiling *tarcol*.

Counsel for the petitioner has argued that the petitioner was not named in the FIR and he has been falsely implicated. He contends that the star witness of the prosecution namely Manjit, PW8, has turned hostile. He argues that the petitioner was not even named by the complainant (PW-1) and other witnesses during the course of their evidence. He submits that the petitioner is behind bars since 24.03.2019.

Per contra, learned State counsel upon instructions from ASI Ram Mehar has opposed the petition on the ground that not only the petitioner has been named in the FIR but even the material witnesses have specifically mentioned that the petitioner was an active participant in the crime. He further submits that 13 out of 31 prosecution witnesses have been examined and the trial is now fixed for 31.07.2020 for leading of remaining prosecution evidence.

I have considered the rival submissions and perused the paper book with the assistance of the counsels.

A perusal of FIR (Annexure P-1) shows that the petitioner has specifically been named therein and he formed the group who had caused injuries on the complainant. Record further shows that the petitioner had

suffered a disclosure statement wherein he had admitted his participation in the murder and the gruesome manner in which the accused had disposed of the dead body of Dharampal. Not only this, even the iron rod with which the deceased is alleged to have been killed was also recovered at the instance of the petitioner. The mere fact that one of the witnesses has turned hostile, will not advance the case of the petitioner particularly when the other material witnesses, including the complainant (PW-1) have supported the prosecution.

Looking at the totality of the facts and circumstances and also keeping in view the gravity of the offence, particularly the inhuman manner in which the dead body has allegedly been disposed of, no ground is made out for releasing the petitioner on bail pending trial.

Resultantly, the petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 03, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No