

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

**CRM-M-31736 of 2020 (O&M)
DATE OF DECISION : 10.11.2020**

Ravinder Kumar @ Ravi @ Vicky

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Tanu Bedi, Advocate,
for the petitioner.

Mr. Manish Sharma, AAG, Haryana.

Mr. Sumeet Goel, Senior Panel Counsel,
for respondent-CBI.

Mr. P. S. Ahluwalia, Advocate,
For the complainant.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is second petition filed by the petitioner seeking grant of regular bail in a CBI case bearing FIR No.RCCHG0512018S0005 dated 15.10.2018 under Section 302/34 IPC and Section 25 of Arms Act, registered at Police Station CBI, SCB, Chandigarh. Initially case was registered as FIR No.15 dated 12.01.2017 at Police Station Dabwali, District Sirsa, under Section 302/34 IPC and Section 25 of Arms Act.

2. Per FIR allegations, Ranbir Singh complainant, inter alia, stated that on 11.01.2017 two young boys having pistols in their hands fired shots on deceased Amit and Satbir while they were in their office. Thereafter, they left in a car parked outside. Both Amit and Satbir died at the spot. Police recorded statement of the complainant to the effect that one Pardeep Kumar Godara has set up a plant in the name and style of P. K.

Fruits at Chautala-Dabwali Road for pruning and packing of Kinnow fruit. On 11.01.2017 at about 8.15 AM, complainant along with his nephew Satbir went to the said plant for making a deal qua Kinnow orchid. At that time, Pardeep Kumar Godara and one Amit Saharan were also present in the office. After finishing the deal, Pardeep Kumar Godara went outside towards his orchids. At about 8.45 AM the aforesaid incident of shooting and double murder took place.

3. Ms. Tanu Bedi, learned counsel for the petitioner contends that that earlier version of prosecution regarding involvement of petitioner was discarded. As per new extra judicial confession also, no role is attributed to the petitioner. She further contends that, at worst, the only role attributed to the petitioner is that he had threatened to kill Amit Saharan. She contends that it is highly improbable that a person can give threats while he is in jail (as the petitioner was in custody in another case at the relevant time). She also argues that no independent witness was joined whereas, there were 100 workers working near the office where the occurrence took place. Earlier the Investigating Agency (state police) had presented the challan, but later on, case was handed over to CBI and new FIR was registered. More than two years have passed but CBI has not concluded its investigation despite the fact that specific directions were issued to conclude the same within a period of ten weeks. The trial is yet to begin. She further submits that there is no headway in the trial due to Covid-19 pandemic.

4. Learned counsel further contends that allegations against another co-accused of the petitioner namely Siukhbinder @ Minda, were that he assisted the petitioner in providing the vehicle for doing reconnaissance (recce) prior to the commission of crime and got the said vehicle recovered per his disclosure statement. She further submits that another disclosure statement was made by the said co-accused to the effect that he called one Virender @ Bablu on telephone and told him to convey message to the shooters that Amit Saharan was present at a particular place. The said co-accused has already been granted the concession of regular bail by this Court vide 17.09.2020

passed in CRM-M-23443 of 2020. She submits that the case of the petitioner is on better footing as there is neither any direct evidence connecting the petitioner with the commission of crime nor any recovery has been made from him. The only allegation against him is that he gave threat to eliminate the deceased while he was in jail and therefore, prays that his bail petition be allowed.

5. Learned counsel for the petitioner, in this back round, vehemently contends that merely on the basis of suspicion caused on account of the original prosecution version relying on the statement of a witness, namely, Duli Chand, who stated that the petitioner had threatened to eliminate the deceased, petitioner was arrested on a production warrant on 14.1.2017. Pursuant thereto, petitioner suffered custodial disclosure statement in which she had named one Ramandeep as assailant. Said Ramandeep was arrested but was rather not found involved and discharged. Learned counsel for the petitioner argues that the original prosecution version of involvement of the petitioner collapsed when the prosecution absolved said Ramandeep. However, later on the original prosecution version qua involvement of the petitioner and Ramandeep was discarded and new prosecution version was introduced based on an extra judicial confession of three co-accused persons made to one Krishan Lal, ex-sarpanch of the Village. As per the statement of Krishan Lal recorded by Police there is no role attributed to the petitioner even in the said extra judicial confession. None of the three co-accused persons made any disclosure to Krishan Lal regarding any role passive or active on the part of the petitioner.

6. In the premise, Ms.Tanu Bedi, learned counsel for the petitioner, argues that neither in the original version nor in the later version an involvement of the petitioner was found. However, due to allegations of lack of proper investigation and suspicion against the complainant Ranbir Singh and one P.K. Godhara wives of deceased Satbir and Amit, who had approached this Court vide CRM-M-2802-2018

and CRM-M-41861-2017, respectively, this Court directed CBI to *de novo* investigate the matter. While transferring the investigation from State Police to CBI, this Court had directed the CBI to complete the investigation within 10 weeks. Learned counsel for the petitioner argues that though the State Police had submitted its final report within 90 days of arrest to meet the statutory requirement of completion of investigation as the delay would have entitled the accused for a default bail under Section 167 of Cr.P.C. but same is not the case with CBI, the current investigating agency. She contends that on transfer of investigation to CBI, even after a lapse of more than 2-1/2 years, investigation is still incomplete and the petitioner continues to languish in jail, notwithstanding this Court had directed CBI to conclude investigation in 10 weeks.

7. On the other hand, learned counsel for the CBI opposes the bail petition. He, however, does not controvert that the only allegation qua the petitioner is that he threatened to kill Amit Saharan and Ravinder Bishnoi to take revenge of an earlier attack by Lawrence Bishnoi at his gurubhai Chhotu Ram Bhaat. It is further uncontroverted the trial is not likely to commence or conclude any time soon due to current pandemic scenario

9. Heard learned counsel for the respective parties.

10. At the time of occurrence of crime, the petitioner was lodged in jail in another case (he is currently on bail in the said other case). Possibility of his involvement in conspiracy seems to be remote though it can not still be ruled out.

11. Perusal of the case record reveals that the petitioner was originally arrested on the statement of one Duli Chand and the said statement was discarded by the then investigating agency and a new extra judicial confession of the other co-accused as introduced which was allegedly made before Krishan Lal, ex-Sarpanch, in which too there was no role attributed to the petitioner. In the premise, in the final report prepared

by the earlier State Police read with challan, petitioner was not attributed any direct or indirect role. As per far the current investigating agency-CBI is concerned, no fresh evidence seems to have come forth till now despite a lapse of more than 3 ½ years pointing out any involvement of the petitioner.

12. Taking over all view of the matter and keeping the aforesaid submissions in mind, this Court is of the view that no useful purpose would be served by keeping the petitioner further in preventive custody. The petitioner is stated to be in custody since 14.01.2017. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. The Courts are working in restricted manner and only taking up urgent matters. Apart from this, I am of the view that petitioner is also entitled to get the concession of bail on the grounds of parity.

13. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/ Duty Magistrate. It is made clear that observations made in this order are for the purpose of bail only and shall not be construed an opinion on merits of the case, in any manner.

NOVEMBER 10, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No