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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32875-2020
Date of Decision: 30.10.2020

Raunak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Partap Singh, Advocate,
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J.

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No. 438, dated 21st June, 2017, registered under Sections 323,341,506, 34, 379-B, 120-B of the Indian Penal Code (Sections 216,201, 302 of the IPC added later on), Police Station Samalkha, District Panipat, Haryana.

2. It may be mentioned that originally the Petitioner was granted Regular Bail by this Court on 11th January,2018 in **CRM-M No. 45568 of 2017** vide Order Annexure P-1 by considering that very limited role was attributed to him in the alleged occurrence narrated in the FIR. In fact, the Petitioner was not even present at the place of occurrence but his name had transpired from the shouting of co-accused Inder at the other Culprits who had assaulted the Complainant/Victim, to the effect that the Victim should

not be hit on his head as was allegedly explained by uncles Parkash, Raunak (the present Petitioner) and Vinod, and to be hit 'only below the waist'.

3. The FIR therefore would go to clearly show that even assuming that the Petitioner was part of any criminal conspiracy, yet he was certainly not in favour of causing him injuries below the waist, and if the victim succumbed in the assault on account of being attacked on his head by the Culprits, it was clearly beyond the specific instruction of their three uncles, including the present petitioner. As such, he cannot be held liable for causing the murder, and such liability in all fairness would be of the actual assailants.

4. However, after the Petitioner was granted Regular Bail on 11th January, 2018, a Co-ordinate Bench of this Court cancelled the same subsequently on 13th December, 2018 in CRM-M No. 33426 of 2018 after observing that the Petitioner appeared to be putting pressure upon the Complainant (who till that time was yet to be examined in the Ld. Trial Court) and the two accused persons were seen to have put a Video on *Facebook* showing guns in their hands and raising *lalkaras* etc.

5. Submission of Ld. Counsel for the Petitioner, in this regard, is that the alleged *Facebook* posting referred in the Order passed by the Co-ordinate Bench on 13th December, 2018 is inconsequential and out of context. On the other hand, contention of Petitioner's Counsel is that after his Client was first incarcerated, he was repeatedly approached by the Complainant and his son, namely Sahil to pay them money in lieu of allowing them to be exonerated. To support this contention, Ld. Counsel for the Petitioner has placed on record the Information (Annexure P-4,

Collectively) supplied by the Superintendent of Jail, Panipat in which the Petitioner was detained, which goes to reveal that Sahil-son of Complainant-Dalbir had visited the co-accused in custody on two occasions, ostensibly to press for their demand of money in order to facilitate his release. In addition, Transcripts of certain Telephonic conversations between the co-accused Vinod, his son-Monu, Complainant-Dalbir and his son-Sahil on several dates such as 6th December, 2018, 9th December, 2018, 11th December, 2018, 31st December, 2018, 17th March, 2019 and 22nd March, 2019, have been mentioned in the Bail Petition, which would go to indicate that for a long time pressure was being created upon the accused in custody to pay a huge amount of money to buy his freedom in the present proceedings.

6. It may be mentioned that co-accused Vinod was thereafter granted Regular Bail again by this Court on 22nd September, 2020 in CRM-M-42982-2019, even though the same was vehemently opposed on behalf of the complainant through his Counsel Mr. Yashveer Kharb, Advocate, as seen from the copy of the detailed order passed on the said Bail Petition (Annexure P-7). However for opposing the bail application this time none has appeared on behalf of the complainant, which would go to indicate that he has been able to comprehend the view of this Court in the backdrop of the various attempts from his side to extract money from the accused persons who had been sent back to custody after cancellation of their original bail order in 2018.

7. Following such re-arrest, by now the petitioner has undergone further detention of 2 years and 10 months from 22nd December, 2018, and

in the meantime evidence of the complainant and material witnesses has also been recorded.

8. In the circumstances, without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

9. Disposed off.

30.10.2020

Parveen Sharma

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No