

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

(i) CRM No.M-17518 of 2021 (O&M)

Rajeev @ Raju

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-23949 of 2021 (O&M)

Monu @ Ravinder

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: July 12, 2021

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Rosi, Advocate
for the petitioners.

Ms.Ambika Luthra, Addl. Advocate General, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation.

Petitioner-Rajeev @ Raju has filed CRM-M-17518-2021 and
petitioner-Monu @ Ravinder has filed CRM-M-23949-2021 under Section

439 Cr.P.C. for grant of regular bail in case FIR No.232 dated 29.03.2019 under Sections 302, 34, 120-B and Section 25 of the Arms Act, Police Station Sadar Bhiwani, District Bhiwani.

The present case was registered at the instance of Sandeep Kumar S/o Hans Raj. As per version of the complainant, he along with his friend Harjit alias Heta and Sunil alias Sura, used to work as property dealers in Bhiwani. There was a dispute between them and Rajeev s/o Ram Niwas resident of village Nangal. On 29.03.2019, at about 4.00 p.m., Harjit alias Heta made a call to Vikas Balmiki r/o village Paluwas, in connection with some money transaction. Vikas had asked Harjit alias Heta to come to his house. After about half an hour, the complainant received information about Harjit @ Heta to have been shot at in Haripur. Thereafter, the complainant and Sunil alias Sura reached the spot and saw Harjit alias Heta to be lying dead on the road. Some used cartridges were also lying there. The complainant further stated about Raju alias Rajeev, his cousin brother Monu and Lal resident of village Nangal along with their companions, to have murdered Harjit alias Heta. During the course of investigation, as asserted in the petition, petitioner Rajeev @ Raju was arrested on 30.11.2019 whereas, petitioner Monu @ Ravinder was arrested on 18.11.2019.

Now, it is submitted by the learned counsel for the petitioners that challan has though been presented and charge has been framed but however, complainant-Sandeep Kumar, at whose instance, the proceedings were initiated, has not supported the prosecution case, when he stepped into witness box. Looking at the long custody of the petitioners, a prayer has

regular bail to both the petitioners.

However, learned State counsel has resisted the claim for bail. Status report as well as custody certificates of both the petitioners have been sent through E-mail, hardcopies whereof, have been placed on record. Learned State counsel has submitted that though complainant Sandeep Kumar has stepped into witness box as PW-1 and has not supported the prosecution version, but there are other independent witnesses, who are yet to be examined. Also, it is submitted that Rajeev @ Raju is habitual offender and having criminal background. He is involved in 26 other criminal cases. Even in this case also, Rajeev @ Raju had evaded the process of law and was declared Proclaimed Offender, relating to which, FIR No.196 dated 01.12.2019 under Section 174-A IPC, Police Station Sadar Bhiwani, Bhiwani, was registered against him and he is also in custody in this FIR. Even qua Monu @ Ravinder, it is submitted that he is main conspirator. The motorcycle of the complainant has been recovered from his possession. He is also stated to be driver of the vehicle, used for taking the deceased earlier, as per conspiracy, hatched between the fellow accused.

Be that as it may. Even though, challan has been presented in the present case, but however, it is pertinent to mention that out of 55 cited witnesses, as stated by learned State counsel, only one witness has been examined i.e. complainant, who has not supported the prosecution version. Certified copy of deposition of the complainant as PW-1 has been placed on record as Annexure P-2. There are other independent witnesses, whose testimonies, are stated to be material to pin role of the petitioners and fellow accused. Even though, the complainant, as such, has not supported the

prosecution version but it is pertinent to mention that as per custody certificate, petitioner Rajeev @ Raju is having criminal background as he is facing trial in 12 cases and he has been convicted in 4 cases and his acquittal is recorded in 12 cases. Though, it is stated that he is falsely implicated in the present case but however, plea of false implication, can only be ascertained at a later stage. Suffice to take into consideration the involvement of Raju @ Rajeev in various other criminal cases. Even, he had evaded the process of law during the trial of the present case, relating to which, FIR No.968 dated 01.12.2019 has been registered against him and he is detained in custody in above-said case.

Considering this criminal background as well as the role of Monu @ Ravinder, chances of abscondance of the petitioners, as such, cannot be ruled out. Even, there are very fair chances of winning over of witnesses by the petitioners, if they are released on bail. Precisely, on this account, no case is made out for extending benefit of regular bail to the petitioners.

As such, both the petitions stand dismissed.

(ARCHANA PURI)
JUDGE

July 12, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No