

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

CRM-M-41988-2020(O&M)

Date of decision:-27.4.2021

Ramesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.F.S. Virk, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Ramesh Kumar, aged about 56 years, resident of village Naraingarh Jhungain, P.S. Ghanour, District Patiala, an accused in FIR No.78 dated 17.8.2017, under Sections 302, 307, 120-B, 201 and 34 IPC, registered with Police Station Ghanour, District Patiala.

In nutshell, the prosecution story is that on 17.8.2017, on a wireless message being received from Police Station City, Rajpura to the effect that Ujjagar Singh son of Basanta Ram, resident of Naraingarh Jhungla as 100% burn case was admitted in AP Jain Hospital, Rajpura and some Investigating Officer should be deputed for initiation of

proceedings, a police party from the said police station was enroute to AP Jain Hospital, Rajpura, when it came to know that Ujjagar Singh has been referred to Government Medical College and Hospital (hereinafter referred to as GMCH), Sector 32, Chandigarh, therefore ASI Baljeet Singh heading a police party along with other police officials went to GMCH, Sector 32, Chandigarh and obtained the opinion of the attending doctor regarding condition of patient Ujjagar Singh to make statement and after getting the opinion in affirmative, moved an application to Duty Magistrate, U.T. Chandigarh, who recorded statement of injured Ujjagar Singh.

Inter alia in that statement, Ujjagar Singh aged about 60 years stated that he had retired as Roadman from PWD Ambala; he had a land dispute with his brother Ramesh Kumar (present petitioner); on that day, Ramesh Kumar had called him to his house for deliberations and at about 8:00 a.m. when he reached there, then Ramesh Kumar and his elder son poured petrol upon him and set him ablaze; both of them did so in connivance with Surta Ram another brother of Ujjagar Singh and Ramesh Kumar. On the basis of such statement of Ujjagar Singh, formal FIR was initially recorded for offences under Sections 307, 34, 120-B IPC, however on subsequent death of Ujjagar Singh, offence under Section 302 IPC was added. Petitioner/accused was arrested in this case.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious to the effect that he along with his son had poured petrol upon his own brother Ujjagar Singh and set him ablaze, resultantly he suffered 100 % burns and succumbed to such burn injuries, in that way, he has committed murder of his real brother in a gruesome manner. Such type of person is certainly not entitled to be released on bail since if granted bail, he may pose a threat to the society and disturb the peace and tranquility in the society by treading on the path of crime further. There is reasonable possibility of his absconding and tampering with the prosecution evidence, if granted concession of bail. Therefore, grant of regular bail to the petitioner is not called for.

Thus, finding no merit in the petition, the same stands dismissed.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

27.4.2021
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No