

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

CRM-M-6122-2019 (O&M)
Date of Decision:- 30.11.2022

Ricky Alias Rinki

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yogesh Goel, Advocate, Mr. Lakshay Goel, Advocate and
Mr. Tanya Kanwar, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab,
assisted by ASI Gurmeet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 287 dated 22.8.2015 under Sections 302, 120-B, 506 IPC and Section 25 of the Arms Act at Police Station Focal Point Ludhiana City, District Ludhiana.
2. The translated gist of the FIR, as reproduced in the petition, reads as follows :-

“We are three brothers and three sisters. I work as a Peon in a factory in Haibowal. My father Mange Ram worked as a cleaner in phase-5 Focal Point Factory. This morning around 6 a.m., he left home to get to duty to Focal Point on his bicycle. The workers of his factory called me on the phone and told me that around 7.30 a.m. when my father was going on the Focal Point Yard Chowk Road near Giriraj Computer Kanda he was shot by someone and the bullet hit him on the left side of his abdomen (waist) and he died on the spot. I immediately reached on the spot where present PCR official HC Kuldeep Raj and HC Gurbachan Singh told me that my father stated before his death that this is the deed of Sudhir's men. Sudhir's sons Sonu and Monu had threatened my elder brother Ravinder that they will not leave

our father. Main animosity (grudge) is that Rakesh Kumar @ Boxer, Deepak Kumar @ Deepu, Jassa, Ricky, Sunny @ Laddu and Gagandeep Singh @ Jinda are booked for (Charged with) the murder case of my brother Pintu Case No. 127 dated 14.08.2012 in Police Station, Dhaba. Under this case Rakesh Kumar @ Boxer and Deepak Kumar @ Deepu are locked in Ludhiana Jail who had made a phone call to us from the jail to compromise with them and threatened my father to back out from his statement. My father was a complainant in the above mentioned murder case and they had also sent unidentified men to threaten us. These men were forcing and intimidating us to compromise and threatened is to back out from our statement. Sudhir was also pressuring us to compromise and also threatened us that if we will not compromise then we will face grave consequences. Sudhir, Rakesh Kumar @ Boxer, Deepak Kumar @ Deepu, Jassa, Ricky, Sunny @ Laddu, Gagandeep Singh @ Jinda were all involved in this pre-planned murder.”

3. The learned counsel for the petitioner submits that the matter was investigated by the police and that when the charge-sheet was filed upon conclusion of investigation in the year 2016, the name of the petitioner was neither mentioned in column No. 2 nor anywhere in the challan. It has been submitted that subsequent to some petition having been filed by the complainant in this Court, an inquiry was conducted wherein the petitioner was also found to be involved and thereafter, a supplementary challan has now been presented against him on 19.8.2021. It has further been submitted that infact all other five co-accused who had been tried by the Court of learned Additional Sessions Judge, Ludhiana stand acquitted and that another set of five co-accused have been found to be innocent. The learned counsel, while referring to the judgment dated 21.11.2018 (Annexure P-11) passed by Additional Sessions Judge, Ludhiana has pointed out that in the present case the material prosecution witnesses i.e. PW-14 Aarti Sahota had resiled and the other two witnesses i.e. PW-6 Vishal Bidlan and PW-8 Ravinder Bidlan had deposed merely as regards motive and were not eye-witnesses. It has also been submitted that as of now the challan already

stands presented and as such, the custodial interrogation of the petitioner is not warranted.

4. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR, his complicity is clearly evident. It has further been submitted that the fact that some other co-accused have been acquitted would not be of much advantage to the petitioner inasmuch as some of the material witnesses had not fully supported the case against co-accused but are likely to support the case of the prosecution, qua the present accused. It has, however, been informed that the petitioner otherwise, pursuant to interim directions issued by this Court on 25.3.2019 has joined investigation and is not required for any custodial interrogation as challan already stands presented. The learned State counsel has further informed that although charges have been framed in the present case but none out of the cited 35 prosecution witnesses has been examined. It has also been informed that the petitioner stands involved in one more case under Section 302 IPC.
5. This Court has considered rival submissions addressed before this Court.
6. It is correct that the petitioner is specifically named in the FIR. However, this Court finds that there is no direct evidence as regards the occurrence and the prosecution mainly banks on the statement of PW-14 Aarti Sohata who absolutely resiled when her statement was recorded during the course of proceeding of trial of co-accused.
7. Having regard to the aforestated position and the fact that the petitioner is stated to have joined investigation and is not required for custodial

interrogation and challan already stands presented in the present case, this Court is of the opinion that it is a fit case for grant of anticipatory bail.

8. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.3.2019 are hereby made absolute subject to the condition that the petitioner shall appear regularly before the Trial Court and shall abide by the conditions as may be imposed by the Trial Court.

30.11.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No