

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of decision: 04.02.2022

1. CRM-M No.22689 of 2021 (O&M)

|                  |        |                |
|------------------|--------|----------------|
| Sanjay @ Sonu    |        | ....Petitioner |
|                  | Versus |                |
| State of Haryana |        | ....Respondent |

2. CRM-M No.52550 of 2021 (O&M)

|                  |        |                |
|------------------|--------|----------------|
| Ram Lal          |        | ....Petitioner |
|                  | Versus |                |
| State of Haryana |        | ....Respondent |

3. CRM-M No.35788 of 2021 (O&M)

|                      |        |                |
|----------------------|--------|----------------|
| Virender @ B.K. Baba |        | ....Petitioner |
|                      | Versus |                |
| State of Haryana     |        | ....Respondent |

4. CRM-M No.40929 of 2021 (O&M)

|                  |        |                |
|------------------|--------|----------------|
| Sombir           |        | ....Petitioner |
|                  | Versus |                |
| State of Haryana |        | ....Respondent |

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present:** Mr. L.S. Sekhon, Advocate  
for the petitioner (in CRM-M-22689-2021)

Mr. M.S. Dalal, Advocate  
for the petitioner(s) (in CRM-M-52550-35788-2021)

Mr. Rajesh Nain, Advocate  
for the petitioner (in CRM-M-40929-2021)

Mr. Himmat Singh, DAG, Haryana.

**ARVIND SINGH SANGWAN J.**

Prayer in these petitions is for grant of regular bail to the petitioners namely Sanjay @ Sonu, Ram Lal, Virender @ B.K. Baba and Sombir under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.42 dated 16.02.2021, for offence punishable under Sections 307, 387, 120-B of the Indian Penal Code, 1860 (in short 'IPC') (Section 216 IPC added later) and 25 of the Arms Act, registered at Police Station Kalayat, District Kaithal.

Brief facts of the case are that the FIR was registered at the instance of the complainant Shekhar, who is running a ready-made garment shop. It is alleged that about 1½ years ago, he received a phone call from one Raju, who stated that himself to be a member of a gang headed by co-accused Parveen @ Binni and demanded a ransom of Rs.15.00 lacs, from him. The complainant refused by showing his inability to give the money, on which Raju had threatened him. After 2-3 days, a person came to his shop disclosing his name as Sonu and took away clothes for Parveen @ Binni. On the date of incident, when he was standing on the stairs outside his shop, a vehicle came from the spot of grain market and stopped in front of his shop then, a person sitting on the back seat fired a shot from a pistol aiming the complainant, however, he tried to rescue himself by rushing into the shop and the bullet hit on the stairs. Thereafter, the offending vehicle was driven away from the spot.

Counsel for the petitioner – Ram Lal (*in CRM-M No.52550 of 2021*) has argued that nobody was named in the FIR and only during the investigation, the police recorded 02 successive

disclosure statements of Parveen @ Binni, who was already in judicial custody in some case. In the first disclosure statement dated 18.02.2021, Parveen @ Binni disclosed that he and Rajesh @ Raju have made a Binni Gang and have committed many offence of murder and robbery. Due to fear, the people are not giving the complaint. He and Rajesh @ Raju by giving a message to their colleagues, who were released on bail, asked them to take Rs.15.00 lacs as ransom from Shekhar and when he refused, the incident of firing was conspired by him with his colleague Rajesh @ Raju. Rajesh @ Raju has told Kapil in this regard and he has further told Rohit resident of Rajasthan to fire a shot at Shekhar.

Thereafter, on the next date i.e. on 19.02.2021, another disclosure statement of Parveen @ Binni, was recorded that he is lodged in Kaithal Jail since August, 2020, in a murder case and from the Jail STD, he talked to his father Ram Niwas, on his mobile number and his father told him that he needs Rs.5.00 lacs to pay back the loan and he assured his father that he will arrange the money. Thereafter, he told that his mobile number 9050442829, be given to his friend Sanjay @ Sonu, which his father gave to Sanjay @ Sonu. Thereafter, Parveen @ Binni, called Sanjay from the STD phone of the Jail that Sunil be conveyed a message that he should go to the shop of Shekhar and bring clothes. Later on, Sunil brought the clothes from the shop of Shekhar. He again talked to Sanjay @ Sonu and told that Rajesh @ Raju be conveyed a message that he should demand a ransom of Rs.15.00 lacs from Shekhar and give Rs.5.00 lacs to his father Ram Niwas. Rajesh @ Raju has demanded ransom of Rs.15.00 lacs, 03 months' ago but he

refused. Thereafter, in December, 2020, Rajesh @ Raju was again arrested and was lodged in Kaithal Jail and while being in Jail, he along with Rajesh @ Raju, made a plan to kill Shekhar and in this regard, he talked to Sanjay @ Sonu from Jail STD that their companions namely Kapil, Sunil, Raju, Aniket, Ajay, Satish, Abhishek, Sombir, Ram Lal @ Ramu, be conveyed a message that Shekhar be killed. Later on, he came to know that his companions namely Raju, Aniket, Ajay, Satish and Abhishek, had opened fire on Shekhar.

Counsel for the petitioner (*in CRM-M No.22689 of 2021*) has submitted that against the petitioner Sanjay @ Sonu, there is no allegation in the first disclosure statement of Parveen @ Binni and he has stated that one Rohit has fired upon the victim. It is further stated that in the second disclosure statement Parveen @ Binni has named Sanjay @ Sonu, as a person with whom he was talking through STD phone for demanding ransom of Rs.15.00 lacs from Shekhar and to convey this message to co-accused Rajesh @ Raju. It is also stated that he called the petitioner Sanjay @ Sonu, to inform the other accused namely Sombir and Ram Lal @ Ramu to send a message to eliminate Shekhar.

Counsel for the petitioner (*in CRM-M Nos.40929 of 2021*) has submitted that against the petitioner – Sombir, the only allegation is that a message was sent to them, however, they were not present at the time when the firing incident took place.

Counsel for the petitioner – Virender @ B.K. Baba (*in CRM-M No.35788 of 2021*), has argued that the name of the petitioner was not there in the FIR and even in the 02 disclosure statements of

Parveen @ Binni, the petitioner was not present at the time of the incident as he was already in judicial custody since 07.12.2020, in another case and there is no allegation that the ransom call was given by the petitioner.

Counsel for the petitioner – Sanjay @ Sonu (*in CRM-M No.22689 of 2021*), has argued that the petitioner – Sanjay @ Sonu, was not named in the FIR and his named surfaced in the disclosure statement of co-accused Parveen @ Binni. It is further submitted that the petitioner has no criminal antecedents and he is not involved in any other case.

Counsel for the State has filed the Custody Certificates of all the petitioners.

As per the Custody Certificate of the petitioner – Ram Lal, he is in custody for the last 11 months and is not involved in any other case.

As per the Custody Certificate of the petitioner – Sombir, he is in custody for the last 11 months and 10 days and he is involved in some other cases under the IPC including a case registered under Section 302 IPC wherein he has been convicted for life imprisonment and 02 cases registered under Sections 379 and 480 IPC and in some of the case, he has been acquitted.

As per the Custody Certificate of the petitioner – Sanjay @ Sonu, he is in custody for the last 11 months and 08 days and is not involved in any other case.

As per the Custody Certificate of the petitioner – Virender @ B.K. Baba, he is in custody for the last 09 months and is involved in

one case registered under the Arms Act and one case registered under Sections 399 and 402 IPC.

All the petitioners in conspiracy with each other, first demanded a ransom of Rs.15.00 lacs from Shekhar and when he refused, they made a murderous attempt on his life, however, he escaped.

During the course of arguments, it transpires that the accused Meenu, Rakesh @ Raka, Subhash and Ram Niwas, have been granted the concession of regular bail.

Counsel for the State has further submitted that the call details record of the conversation between the accused Ram Lal @ Ramu, Sunil @ Sonu and Ram Niwas, was collected and they were in touch with each other and were receiving calls from the Jail STD. It is further argued that the evidence against the petitioner – Sombir is that he, in conspiracy with co-accused Parveen @ Binni, has made a plot to kill Shekhar. It is further submitted that the petitioner – Sanjay @ Sonu, was directly in touch with Parveen @ Binni and he was conveying the messages of Parveen @ Binni, to other co-accused regarding the conspiracy hatched by Parveen @ Binni and Suresh, while inside the Jail. It is also argued that the petitioner – Virender @ B.K. Baba, was also a part of the conspiracy as he was lodged in the Jail along with Parveen @ Binni, however, he is on bail in another cases.

Counsel for the State has, lastly, submitted that the investigation is complete and the case, before the trial Court, is now fixed for prosecution evidence.

After hearing the counsel for the parties, I find merit in the

petition i.e. **CRM-M No.52550 of 2021**, filed by the petitioner – Ram Lal as his name came in the disclosure statement of the co-accused and he is not involved in any other case. There is no direct allegation that he was part of the Gang, which has either demanded ransom or had gone to the shop of the victim when the firing incident took place, however, as per the own disclosure statement, the petitioner – Sombir along with the other accused persons had gone to the shop of Shekhar as he has refused to give the ransom.

With regard to the petitioner – Virender @ B.K. Baba (**in CRM-M No.35788 of 2021**), though, he is involved in 02 more FIRs registered under the Arms Act and Sections 399 and 402 IPC, however, he is on bail and thus, looking into the facts of the case, there are no allegation against him that either he has demanded any ransom or was part of the Gang, which had gone to the shop of Shekhar, when the firing incident had taken place and the allegations against him are that he was conveying the message by co-accused Rajesh @ Raju, at the instance of Parveen @ Binni.

A perusal of the Custody Certificate reveals that the petitioner – Sombir (**in CRM-M No.40929 of 2021**) is undergoing life imprisonment in a case registered under Section 302 IPC and he is also facing trial under Sections 380 and 379 IPC in Karnal and Rohtak, therefore, I find no merit in the petition filed by the petitioner – Sombir and the same is, accordingly, **dismissed**.

So far as the allegation against the petitioner – Sanjay @ Sonu, are concerned there is sufficient evidence that he was directly in touch with the co-accused Parveen @ Binni and his name is also

figured in the disclosure statements of Parveen @ Binni, therefore, I find no merit in the petition i.e. **CRM-M No.22689 of 2021** and the same is accordingly, **dismissed**.

In view of what has been discussed hereinbefore, without commenting anything on merits of the case, considering the fact that the petitioner – Ram Lal is in custody for the last 11 months and 08 days and the petitioner – Virender @ B.K. Baba, is in custody for the last 09 months and 24 days; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, the petitions i.e. **CRM-M No.52550 of 2021** and **CRM-M No.35788 of 2021**, are **allowed** and the petitioners namely Ram Lal and Virender @ B.K. Baba, are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners – Ram Lal and Virender @ B.K. Baba, in case they are found involved in any other case or misusing the concession of bail, in any manner.

A photocopy of this order be placed on the file of other connected cases.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**04.02.2022**

*yakub*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No