

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

CRM-M-30443-2022(O&M)

Date of decision:-28.10.2022

Ravinder

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Ankur Lal, Advocate
for the petitioner.

Mr.Vijesh Sharma, Addl.A.G., Haryana.

H.S. MADAAN, J.

CRM-38297-2022

The application is allowed, as prayed for and order dated 27.9.2022 passed in CRM-M-24384-2022 is taken on record as Annexure P13, subject to all just exceptions.

CRM-M-30443-2022

1. Reply filed on behalf of State, which is taken on record.
2. This third petition petition for regular bail has been filed by petitioner – Ravinder son of Leela Ram, aged 27 years – an accused in FIR No.183 dated 13.4.2020, under Section 302 IPC(subsequently added Sections 201/202/34 IPC), registered with Police Station Bawal, District Rewari.
3. Briefly stated, facts of the case are that criminal machinery in

this case was set into motion by complainant Kabul Devi widow of Lal Singh, resident of village Anandpur, who in the statement got recorded by her with the police stated that on 11.4.2020, her elder son Vijay had left for place of his work on a motorcycle; on 12.4.2020 at about 8:00 a.m., Tony resident of Birodh and Nitesh son of Sube Singh, colleagues of Vijay and co-residents of their village had brought Vijay home on his motorcycle; Vijay was having injuries on his hands, legs and other parts of the body; then they took Vijay to Government Hospital, Bawal from where keeping in view his serious condition, he was referred to Rewari and from where he was further referred to Rohtak and on the way Vijay told the complainant that Ravinder Kalicharan (present petitioner) had taken him behind the hill, where four other persons, namely, Nitesh son of Sube Singh, Pawan, Tony and Kuldeep were there; Ravinder was inquired that as to why he had forwarded his video to the owner; thereafter they took Vijay to the back side of the petrol pump covered his face with a piece of cloth, wrapped a blanket around him and gave him beatings. As stated by the complainant Kabul Devi in her statement to the police, while being taken to Rohtak, Vijay had expired on the way, as such, they took his dead body to General Hospital, Rewari. On that basis of that statement, formal FIR was registered. Petitioner Ravinder and other accused were arrested in this case, the date of arrest of the petitioner as stated by the State counsel being 26.6.2020. After completion of investigation and other formalities challan against the accused has been filed in the Court. The petitioner/accused had approached the Court of Sessions at Rewari as well as this Court seeking regular bail but was

unsuccessful. Now the petitioner/accused has come to this Court for the third time praying for the same relief, which request is being opposed by the State counsel.

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

5. As per the custody certificate filed by the State counsel, the petitioner has undergone total imprisonment of 2 years, 3 months and 27 days as an undertrial in the case. The trial is not yet complete and the next date of hearing fixed in the trial Court is 17.11.2022 for the prosecution evidence. As informed by the State counsel, out of 26 PWs cited by the prosecution, only 9 such witnesses have been examined so far. In that way, the completion of trial is likely to take quite some time. In terms of the order placed on record by the counsel for the petitioner, while allowing CRM-M-24384-2022 on 27.9.2022, co-accused of the petitioner, namely, Kuldeep has been granted concession of regular bail. The other co-accused, namely, Nitesh Kumar and Pawan are also said to have been granted benefit of regular bail by this Court while allowing CRM-M-25788-2021, date of decision being 21.9.2021 and CRM-M-14612-2022 decided on 1.6.2022, respectively. The case of the petitioner is at par with such accused. Further, as per the custody certificate filed by the State counsel, the petitioner is not shown to be involved in any other criminal case. As stated by the learned counsel for the petitioner, all the material witnesses have been examined during the trial and they have not supported the prosecution case.

6. The petitioner/accused Ravinder is in custody since

26.6.2020. With the trial moving at a very slow pace and not likely to be concluded in near future, with three of his co-accused having been granted concession of regular bail, it would not be proper and appropriate to keep the petitioner/accused behind bars any longer and he deserves to be given concession of regular bail.

7. Under the circumstances, this petition for regular bail calls for acceptance, the same is allowed and the petitioner is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Rewari, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by the Investigating Officer;
- (v) he shall not leave India without prior permission of the Court; and
- (vi) he shall surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard.

8. The Court accepting bonds would ensure that sureties furnished are local having documentary proof of immovable properties in their names situated within jurisdiction of the Court of the value double the surety amount. Photographs of the sureties, attesting witnesses and the accused be got attached on the bonds and copies of the title deeds be also got attached with endorsement made on the original title deeds with regard to the said person having stood surety for the accused in this case.

9. In addition to that the trial Court may impose any term and

condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

10. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

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

28.10.2022

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**