

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

228

CRM-M-30805 of 2022  
Date of decision:30.08.2022

Ravinder @ Rajiya

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Aditya Sanghi, Advocate for  
Mr. Mukesh Rao, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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**SUVIR SEHGAL J. (ORAL)**

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.537 dated 20.07.2020 registered under Sections 302, 148, 149, 341 and 120-B of IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station HTM, Hisar, District Hisar, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Om Parkash on the allegation that his younger son-Mukesh was waylaid by 06-07 boys, who were armed. Sunil @ Poli fired a shot at his son, who dropped his two wheeler and ran towards a by-lane to save himself. Balam, Gulshan and other boys also fired at him and he fell down. The complainant and his relative-

Abhishek, who witnessed the incident, raised an alarm and the accused fled away. A vehicle was arranged and Mukesh was taken to hospital, but he passed away.

Counsel for the petitioner submits that neither the petitioner was named in the FIR nor was he present at the spot nor any role has been ascribed to him qua the firing upon the deceased. He submits that the petitioner has been named by Sunil @ Poli in his disclosure statement, which is inadmissible in evidence. He submits that the previous petition (CRM-M-26356-2021) preferred by the petitioner was dismissed as withdrawn with liberty to file a fresh one before the trial court after the framing of the charge. Counsel submits that charge has been framed in September, 2021 and the prosecution evidence is underway. He submits that a fresh petition filed by the petitioner before the trial court has been rejected vide order dated 02.03.2022, Annexure P-12. By referring to Para 21 of the petition, counsel submits that the petitioner is alleged to be involved in 14 criminal cases, out of which he has been acquitted in 10 cases, 03 cases are under trial and in the last case, he has been convicted and his sentence has been suspended by this Court. It is his argument that the petitioner has been falsely enmeshed in the criminal case, he is in custody since 30.07.2020 and deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Sandeep Singh, has opposed the petition and has submitted that the petitioner had conspired with the co-accused at the house of Balram, where they planned the murder of Mukesh. She submits that not only accused Sunil

@ Poli, but some other co-accused have also named the petitioner in their disclosure statements. As per her instructions, a mobile phone has been recovered from the petitioner. She submits that considering the criminal antecedents of the petitioner, he is not entitled to the concession of bail. Still further, she submits that 05 out of 34 prosecution witnesses have been examined, though the complainant is yet to step into the witness-box.

Having considered the submissions made by counsel for the parties and particularly keeping in mind the role allegedly ascribed to the petitioner, this Court is *prima facie* of the view that the petitioner would be entitled to be released on bail and his complicity in the crime would remain a subject matter of debate before the trial court. The length of custody of more than 02 years and the fact that the trial is at an initial stage, are other factors, which have weighed with this Court to favorably consider the prayer made.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, the petitioner will furnish an undertaking to the effect that henceforth, he will not get involved in any criminal activity and in case of violation of the undertaking, State shall be at liberty to seek cancellation of bail. Petitioner will also furnish his mobile number, which he will keep activated through out, to the SHO of the Police Station concerned, who will make random checks and keep a

tab on his activity.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.08.2022

(SUVIR SEHGAL)  
JUDGE

sheetal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |