

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

**Criminal Misc. No.M-53454 of 2021(O&M)
Date of Decision: March 09, 2022**

Randeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Aman Pal, Advocate
for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.50 dated 11.02.2020 under Section 302 of the Indian Penal Code and Section 25 of the Arms Act (Sections 193 and 34 IPC added later on), Police Station Madhuban, District Karnal.

The FIR was registered on the statement of Randeep (accused/petitioner), who stated that his father Ravinder and Bijender (deceased) aged about 48 years were brothers. They had four sisters. Of the six siblings all except Bijender were married. His father had died in the year 2010. His uncle Bijender had 7 acres of land out of which he had sold 5 ½ acres. On the remaining 1½ acres he had constructed a farm house. His uncle usually resided in Chandigarh. However, whenever he came to the village he used to reside at his farm house or at the house of Shanti w/o Ranjeet of village Ghoghripur. His uncle Bijender had come in the village about 5-6 days back. At about 10.30/11.00 AM on 11.02.2020 the

complainant came to know that some unknown persons in a car had fired upon his uncle Bijender near the farm house on Munak road and escaped towards Munak. The unknown car occupants had killed his Uncle.

It is the case of the prosecution that on 11.02.2020 one Monu had called at the Police Control Room No.100 that when he was going towards Karnal from his village and reached near Bus Stop Gogripur he noticed two armed young boys hurriedly going towards village Barota in a White Accent car No.HR-70C-7197 and that he had seen a man lying injured at the spot. Based on the statement of Monu, the petitioner who was the registered owner of the said car was arrested. He suffered disclosure statement admitting his involvement along with that of Vishabh @ Vishi in the murder of Bijender. Vishash @ Vishi was arrested on 27.02.2020. It is further the case of the prosecution that on the disclosure of Vishabh a .315 bore pistol with empty cartridge was recovered. On the disclosure of the petitioner .32 bore pistol was recovered. The bullet recovered from the dead body and a live cartridge recovered from the spot were sent to FSL. As per the FSL report the bullet recovered from the dead body was found to have been fired from the .315 bore pistol recovered on the disclosure of Vishabh @ Vishi.

Mr. Aman Pal, Ld. counsel for the petitioner contends that the petitioner has been falsely involved in the case. The case is based on circumstantial evidence. The primary witness Monu whose evidence has been relied on to implicate the petitioner has been examined as PW1. He has not supported the prosecution case. He has denied having made any call to the Police Control Room that he had seen two armed boys fleeing in the petitioner's White Accent car from the spot where the deceased was lying in

an injured condition. He further argued that as per the FSL the bullet recovered from the dead body has not been fired from the .32 bore pistol allegedly recovered from the petitioner. He has also referred to the deposition of PW-11 Bhagat Singh Cousin of deceased Bijender who deposed that there was no dispute between the deceased and the family of the petitioner regarding the agricultural land of the former. Hence, there was no motive for the petitioner to commit the foul deed. PW-11 also deposed that the petitioner had reached the spot immediately after receiving information of the deceased having been fired up and was present at the time of post mortem, cremation and collection of ashes.

It is not possible to accept the contentions of the petitioner. Though PW1 Monu has resiled from his earlier statement but it cannot be denied that it was his information to the Police Control Room about seeing two armed boys fleeing the spot in a White Accent car whose registration Number also he had mentioned that led to the arrest of the petitioner. It was the petitioner's disclosure that led to the arrest of co-accused Vishabh @ Vishi. As per the FSL report the bullet recovered from the dead body has been found to have been fired from the .315 pistol recovered on the disclosure of Vishav @ Vishi. The fact that bullet recovered from the dead body has not been found to have been fired from the .32 bore pistol recovered on the disclosure of petitioner would not make a difference because as per the allegations, the act was committed in furtherance of the common intention of both the accused. The petitioner was present at the time when the shots were fired. After the incident both the accused went away in the car of the petitioner. Whether the chain of circumstances relied on by the prosecution for implicating the petitioner and co-accused make out

a case for their conviction can only be determined at the trial.

However, having regard to the material on record no ground is made out for grant of bail to the petitioner at this stage. Accordingly this petition is dismissed.

It is clarified that nothing contained herein shall be construed as an expression of opinion on the merits of the case.

March 09, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No