

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7412-2023
Reserved on: 08.05.2023
Pronounced on: 19.05.2023

Ravinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Davinder Bir Singh, Advocate for the petitioner(s).
Mr. Virat Rana, AAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
91	02.04.2011	Payal, Khanna, District Ludhiana	302, 427, 148, 149 120-B IPC

1. The petitioner apprehending arrest for committing murder, in the FIR captioned above, on the allegations that on April 2, 2011, he, along with accomplices, attacked Jagwinder Singh, and such injuries led to his death, and after that, the petitioner absconded, had come up before this Court under Section 439 CrPC, with prayer for interim bail because in the trial, only two persons namely Rajbir Singh and Raghbinder Singh were convicted, and other accused were acquitted, and the allegations against petitioner would make his case on parity with acquitted persons.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s counsel opposes the bail.
5. It would be apposite to refer to paragraphs 1 to 8, and 13 & 14 of the reply affidavit, filed by the concerned DySP, and it reads as follows:

“ 2. That the brief facts of the case are that on 02-04-2011 Complainant Manmohan Singh son of Mohinder Singh resident of Rajgarh PS Doraha District Ludhiana gave statement to the police that he has two sons namely Jagwinder Singh and Jasdeep Singh. Elder Son Jagwinder Singh is property dealer by profession and younger son has gone to Canada. Yesterday at about 7:00 PM the complainant along with Baljinder Singh son of Harbans Singh went to the shop of his son Jagwinder Singh. They found that the shop of his son was closed. Then they reached near new Colony which was developed behind PWD rest house at 7:30 PM. They saw that Lancer car of Jagwinder Singh was found parked there. They saw that Rajvir Singh @ Ravi son of Jagtar Singh armed with iron rod, Jagtar Singh son of Pritam Singh armed with iron rod, Rikky armed with baseball along with 4 unknown persons were beating Jagwinder Singh. The Complainant asked the assailants as to why they are beating his son. In reply Ravi told the complainant that they are teaching lesson for causing injuries to his father and he gave two blows of rod in the head of his son Jagwinder Singh. They raised noise. Then the above mentioned accused persons ran away from the spot in their swift car and logan car. Before running from the spot the accused also caused damaged to the car of Jagwinder Singh.

3. That the Complainant Manmohan Singh further stated that they took his son in the car of Jagwinder Singh to Sidhu Hospital Doraha. The doctor gave Jagwinder Singh first aid. Then they admitted Jagwinder Singh in Apollo Hospital Ludhiana for treatment. Today his son died during treatment. The accused committed murder of his son due to old enmity On this statement FIR No. 91 dated 02-04-2011 u/s 302/427/148/149 IPC was registered in PS Payal against Rajvir Singh @ Ravi, Jagtar Singh, Rikky and unknown persons.

4. That during investigation post mortem of the dead body of Jagwinder Singh was conducted by the doctor vide PMR No. BSL/34/11 dated 02-04-2011.

5. That during investigation eye witness Baljinder Singh gave supplementary statement u/s 161 Cr.PC to the Investigating Officer on 13-01-2011 He stated that yesterday he saw 4 young men roaming in Swift car No. PB-10CV-0350 in Doraha. These young persons are the same persons who were armed with baseballs and hockeys on 01-04-2011 and were causing injuries to Jagwinder Singh. He identified these persons. These persons are Sandeep Singh @ Happy son of Avtar Singh resident of Katahari PS Payal, Pardeep Singh son of Jaswinder Singh r/o Begowal PS Doraha, Ravinder Singh son of Paramajit Singh @ Gholi son of Gurnam Singh resident of Majara PS Sahnewal and on the day of occurrence these persons were in possession of same swift car No. PB-10CV-350 in which they are roaming. He told these facts to Complainant Manmohan Singh son of Mohinder Singh resident of Rajgarh at his house. Today he along with complainant have come to police station for giving this intimation. On this statement Sandeep Singh, Pardeep Singh, Ravinder Singh (Petitioner) and Harpreet Singh were nominated as accused in this case vide zimni no. 8 dated 13-04-2011.

6. That during investigation on the statement of Gurmeet Singh accused Palwinder Singh, Sandeep Singh, Gursharan Singh and Davinder Singh were also nominated as accused in this.

7. That all the accused, except petitioner Ravinder Singh, were arrested in this case. The petitioner could not be arrested and he was declared

proclaimed offender by the Court. The challan against the arrested accused was presented in the court on 08-07-2011. Charge against the accused was framed on 16-08-2011. After the completion of trial against the arrested accused, the Ld. Trial Court Ludhiana has convicted accused Rajbir Singh and Raghbinder Singh @ Ricky in this case but accused Jagtar Singh, Sandeep Singh, Pardeep Singh, Harpreet Singh, Palwinder Singh, Gursharan Singh and Davinder Singh were acquitted vide judgement dated 08-05-2015 passed by Sh Jatinder Pal Singh Ld. ASJ Ludhiana.

8. That the petitioner has filed the present petition for anticipatory bail in this Hon'ble Court. This Hon'ble Court has passed order dated 22-02-2023 in this petition. In compliance with this order the petitioner has surrendered himself before the Ld. Trial Court of Sh. Ravdeep Singh Hundal, Ld. ASJ Ludhiana on 03-03-2023. The Ld. Trial Court released the accused on bail. The petitioner has furnished bail bonds and surety bonds in the Ld. Trial Court.

13. That as per prosecution story PW Baljinder Singh is eye witness of the occurrence of this case. He gave statement to the Investigating officer on 02-04-2011 about the occurrence of this case. He could identify only accused Rajvir Singh @ Ravi son of Jagtar Singh armed with iron rod, Jagtar Singh son of Pritam Singh armed with iron rod, Rikky armed with baseball. On 13-04-2011 he saw the unknown accused persons namely Sandeep Singh @ Happy son of Avtar Singh resident of Katahari PS Payal, Pardeep Singh son of Jaswinder Singh r/o Begowal PS Doraha, Ravinder Singh (Petitioner) son of Paramajit Singh @ Gholi son of Gurnam Singh resident of Majara PS Sahnewal roaming in Doraha town in a Swift car which was used at the time of occurrence. This is the reason PW Baljinder Singh identified the petitioner as accused of this case on 13-04-2011.

14. That the petitioner has committed serious offence. The petitioner remained absconding to avoid his arrest. The petitioner has joined the proceedings of this case now. So the petitioner does not deserve the concession of regular bail. In these circumstances it is prayed that the present petition may kindly be dismissed."

6. The petitioner's counsel argued that neither the petitioner was named in FIR as an accused nor was any specific injury attributed to the petitioner. The State opposes the bail and submits that the petitioner's presence at the crime scene and causing injuries is fully established and his case falls in the category of convicted people and not at all in the category of those who were acquitted.

7. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the victim. The petitioner's conduct to abscond is an additional factor to deny bail. The allegations are serious and offence heinous. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

8. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All interim orders granting bail stand vacated.

Petitioner is directed to surrender immediately. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.05.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.