

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2023:PHHC:048816

(207)

CRM-M-12878-2022

Date of Decision: 10.04.2023

Ravinder Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Pawan Singh, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.071 dated 1.4.2021 under sections 148, 149, 302 I.P.C, registered at Police Station, Bajghera, District Gurugram.

As per factual matrix, a complaint was lodged by Harbir son of Patram, wherein it was alleged that on 29.3.2021 at about 1.30 PM he and his nephew Vikash were enjoying Holi along with their friends. In the meanwhile their neighbor Poonam wife of Ravinder, Ravinder i.e. the present petitioner, Sheela, Reish Khan and Lalku brother-in-law of Reish came to them. Poonam and Ravinder were armed with a Lathi and Lalku was armed with a Danda. They started arguing with them and thereafter Poonam gave a Lathi blow at the foot of Vikash and Ravinder gave a Lathi blow on the waist of Vikash, whereas Lalku gave a Danda blow on the head of Vikash. Thereafter, accused persons ran away from the spot by giving threats to the complainant. They shifted Vikash to the Civil Hospital, Gurugram where he succumbed to the injuries on 31.3.2023 during his

treatment. A request was made to take legal action against the culprits for causing murder of Vikash.

On the basis of the complaint, present FIR was lodged and investigation commenced. Petitioner was arrested on 23.4.2021. He approached the court of learned Addl. Sessions Judge, Gurugram for grant of bail, however, after hearing the parties, the same was declined vide order dated 25.10.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. It is submitted that as per the allegations made in the FIR the dispute took place on the eve of Holi on 29.3.2021 and thereafter FIR was lodged after a delay of 3 days i.e. on 1.4.2021. He submits that as per allegations made in the FIR petitioner Ravinder gave a Lathi blow on the waist of Vikash. He submits that a perusal of the postmortem report of the deceased would show that the allegations made in the FIR are not medically corroborated. It is submitted that in the postmortem report 9 injuries were found on the body of the deceased. Counsel further submits that perusal of the postmortem report also shows that it was a case of accident. He submits that the delay of 3 days in lodging the FIR also shows false implication of the petitioner in the present case. It is submitted that in the CPR note it is apparent that deceased suffered a cardiac arrest on 31.3.2021 and he could not be revived and thus was declared dead. A perusal of postmortem report would further reveal that deceased died not on account of the injuries but because of the cardiac arrest. It is submitted that in the overall facts and circumstances of the case petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel has submitted that there are specific allegations against the petitioner. He submits that petitioner was specifically named in the FIR and he was duly armed with a Lathi and gave a blow on the waist of the deceased. It is submitted that deceased was shifted to the hospital and was brought back, however, his condition deteriorated and thus he was again shifted to hospital and there occurred a delay in lodging the FIR. He submits that in all there are 26 prosecution witnesses out of which 6 including the complainant have been examined by the Trial Court. It is submitted that petitioner has no criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 23.4.2021. As per the record of the case incident took place on 29.3.2021 whereas the FIR was registered after a delay of 3 days i.e. on 1.4.2021. As per postmortem report, cause of death has been shown to be cardiac arrest suffered by the deceased on 31.3.2021.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of

Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.04.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No