

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25036-2023 (O&M)

Date of Decision: 10.08.2023

RAVINDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.177 dated 12.03.2019, registered under Sections 302 and 34 IPC; Section 25 of the Arms Act and Section 120-B IPC (added later on), at Police Station Camp Palwal, District Palwal, the first bail petition having been dismissed on merits vide order dated 22.11.2022 by this Court.

Status report by way of an affidavit dated 02.08.2023 of the Additional Superintendent of Police, District Palwal, filed on behalf of the respondent-State, in the Court, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that it was co-accused, namely, Om Prakash @ Omi and Ankit, who have given fatal injuries on the person of Bhoop Singh (since deceased), with their respective weapons; that the bullet injuries hit on head and chest of the

deceased; that the weapons used in the crime, have already been recovered and that co-accused, namely, Om Prakash @ Omi has since been granted the concession of regular bail. He further submits that the allegation against the petitioner is that he was driving the motorcycle, on which accused Om Prakash @ Omi was sitting, at the time of firing on the deceased; that other co-accused, namely, Gaurav and Tara Chand @ Tara, have also been granted the concession of regular bail and that no recovery was effected from the petitioner. Still further, it is submitted that the petitioner has been in custody since 07.01.2021 and that despite issuance of repeated summons, prosecution witnesses are not coming forward for recording their evidence before the Court below.

Learned counsel for the petitioner submits that as far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the one who was driving the motorcycle and co-accused, Om Prakash @ Omi, was the pillion rider and that the fatal injuries on the person of Bhoop Singh, have been attributed to Om Prakash @ Omi and Ankit. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail. Still further, it is submitted that Pooja, daughter of the complainant, in her statement under Section 161 Cr.PC. stated that it was the petitioner who had fired on the

head of her father.

I have heard the learned counsel for the parties.

As per the FIR, the allegations of firing gun shots on the person of deceased are against Om Prakash @ Omi and Ankit and the allegation against the petitioner is that he was driving the motorcycle, on which co-accused, Om Prakash @ Omi, was the pillion rider. Though, as per the learned State counsel, Pooja daughter of the complainant in her statement had stated that the petitioner had fired on the head of her father, yet the complainant who had been one of the eye-witnesses of the occurrence and had lodged the FIR, did not make any such allegation. The petitioner has been in custody since 07.01.2021. Co-accused, namely, Om Prakash @ Omi, Tara Chand @ Tara and Gaurav, have already been enlarged on bail. Nothing was recovered from the petitioner. As far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*