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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34249 OF 2023 (O&M)
DATE OF DECISION: 21.07.2023

Ravinder Singh @ Roopa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ramneek Vasudeva, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in case bearing FIR No.53 dated 02.05.2012, registered under Sections 120-B, 419, 465, 468, 471 of Indian Penal Code at Police Station, City Rupnagar, District Rupnagar.

2. Instant FIR arises out of another main crime incident *qua* which an earlier FIR No.116 dated 17.12.2011 under Sections 302, 201, 420, 120-B read with Section 34 IPC and Section 25 of Arms Act was already registered against some unknown persons. In the earlier FIR, inspector Dalbir Singh was assigned investigation of the murder of one Maninder Singh that took place in the intervening night of 16/17.12.2011. During investigation, it was found that the said murder was committed by one Dilawar Khan in connivance with other accused persons, namely Netarpal and others. A mobile simcard used by accused Dilawar Khan was found to have been issued in the name of petitioner. It turned out that petitioner suspected his wife Rupinder Kaur of having an illicit relationship with deceased-Maninder Singh. Petitioner is thus attributed motive to conspire the killing the deceased-Maninder Singh. Allegedly, petitioner did not join investigation despite being asked numerous times as he was living in United Kingdom and was thus declared a proclaimed offender in

the earlier FIR No.116 *ibid*. Subsequently, he was declared PO even in the present FIR. He later surrendered on 09.11.2022 and is in custody since then.

3. Learned counsel for petitioner further submits that when FIR in question was registered on 02.05.2012, he was abroad. PO proceedings were carried out behind his back in both the FIRs i.e. earlier FIR No.116 and present FIR No.53. Petitioner has been falsely implicated in the murder case on the basis of extrajudicial confession before one Harwinder Singh, who later turned hostile. He states that FIR in question was registered during investigation of the earlier FIR No.116 dated 17.12.2011. In the earlier FIR, total five persons, including present petitioner, were nominated. Out of said five persons, only three persons, namely, Dilawar Khan, Jameel Jaffar and Netar Palwere charge-sheeted to face trial under Sections 302, 201, 420, 120-B read with Section 34 IPC and Section 25 of Arms Act. All three were later acquitted under Section 302 read with Section 34 IPC, but were convicted under Section 25 of Arms Act, while petitioner, being abroad, was declared a proclaimed offender in the said main FIR No.116.

3.1. Elaborating further, learned counsel for petitioner contends that the present FIR No.53 has been registered under Sections 120-B, 419, 465, 468, 471 IPC against Dilawar Khan, Krishan Ram and present petitioner for allegedly procuring Sim card on the basis of forged and fabricated documents. In the present FIR also, petitioner was declared proclaimed offender, though all the other co-accused Dilawar Khan and Krishan Ram were acquitted of charges framed against them vide judgment dated 11.04.2016 (Annexure P-3).

3.2 Learned counsel for petitioner would further urge that challan against the co-accused in present case was presented long back on 17.10.2013. Petitioner is not required for custodial interrogation any more. Nothing has been recovered from him. Petitioner himself surrendered on 09.11.2022 and is in custody ever since. After his surrender, just to delay the proceedings, police have not caused arrest of petitioner in the present FIR though he was in

custody. Later on, he has been shown to have been arrested in this case only on 19.06.2023.

4. On the other hand, learned State counsel, on instructions from ASI Baljeet Singh opposes the bail petition. He states that in case petitioner is granted concession of bail, there are chances of his fleeing. There is strong apprehension of his absconding again from the Court proceedings. He submits that there are serious allegations against the petitioner. Learned State counsel further contends that prosecution is also going to file supplementary challan very soon, which has though been prepared but is pending approval.

5. I have heard rival contentions of learned counsels.

6. Even if supplementary challan is to be presented, as contended, investigation is thus over, since the same has already been prepared. Petitioner is thus not required for any further custodial interrogation. Commencement/conclusion of the trial is likely to take quite sometime. Allegations against petitioner are a matter of trial at this stage. Co-accused have admittedly been acquitted in the present FIR, wherein bail is sought by petitioner. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been in jail for the last more than eight months in preventive custody, he being behind bars since 09.11.2022, but in the present case his custody has been shown from 19.06.2023. Petitioner is being kept in custody merely on a suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

7. Petitioner is stated to be 45-year old family person having two minor daughters, wife and old parents to look after. He has already lost his livelihood in United Kingdom for being kept in custody pending trial qua him. Further continued incarceration would render him permanently jobless as he will not be able to get job due to blot caused on his career. He is stated to have fixed abode and it is unlikely that he is flight risk or will flee from the trial proceedings.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing/disposal of the instant bail petition alone and learned trial Court shall proceed in accordance with law without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

JULY 21, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No