

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

CRM-M-42961-2023 (O&M)

Reserved on: 30.11.2023

Pronounced on: 02.12.2023

RAVI @ JANGLI

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rakesh Dhiman, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Mohit Kakkar, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.81 dated 28.03.2021 registered at Police Station Dujana, District Jhajjar under Section 302/34 IPC and Section 25 of the Arms Act, 1959.

2. As per prosecution allegations, as evident from the status report filed by the respondent/State, information was received in the Police Station on 28.03.2021 that one Anil r/o Dujana had been fired upon. The investigating agency reached the spot, where Vijay Singh got recorded his statement, as per which his younger son namely Anil was a guest teacher. Earlier on 08.06.2020, Mukhtyar Singh and his son Sanjay along with others had attacked upon him and his son Sunil, regarding which FIR No.106 dated 15.06.2020 was got registered in Police Station Dujana, in which Mukhtyar was arrested, though his son Sanjay was not arrested. Due

to sustaining injuries, they (complainant side) were unable to do the agricultural work. For this reason, his other son Anil had gone for doing the agricultural work and during that period Mukhtyar and Sanjay etc. quarrelled and threatened him. Anil had made a complaint in the police Station in this regard. Vijay Singh disclosed further that on 28.03.2021, his son Anil had gone from home for getting his motorcycle repaired; whereas he (complainant) being sick was going to Dhankhar Hospital, Dujana for taking medicine. Before he reached the hospital, he heard the noise of 'got killed' 'save me'. He went in front of the vacant place of CMM School and saw three armed persons firing shots at head and face of his son. He recognised one of them to be as Sanjay @ Bhola and upon raising noise by him, the assailants fled away. Anil died at the spot. Vijay Singh disclosed further that he had suspicion that apart from Sanjay and his accomplices, Ranjeet s/o Mahavir, Manjeet s/o Mahavir and Yudhvair s/o of Raju, residents of Dujana had hand in killing of his son.

2. FIR was registered. Physical evidence was collected from the spot. Post-mortem of the dead body of the deceased was got conducted. During the course of investigation, petitioner was arrested on 03.04.2021 after obtaining necessary permission from the Area Magistrate, as petitioner was also in custody in case FIR No.84 dated 02.04.2021 registered at Police Station Dujana under Sections 25 (Act N: 54 of 1959) of the Arms Act, 1959. The disclosure statement of the petitioner resulted into recovery of motorcycle used in the crime in burnt condition. He also demarcated place of occurrence. Section 201 IPC was added. Co-accused Ranjeet s/o Mahavir, Manjeet s/o Mahavir; and Yudhvair s/o of Raju were joined in the investigation, but as no evidence was found regarding their involvement,

they were exonerated. Final report under Section 173 CrPC qua the petitioner was submitted in the Court on 29.06.2021.

3. Later on, during the course of investigation, co-accused Sanjay son of Mukhtyar was arrested on 22.10.2021 after getting his production warrants issued, as he was in custody in another case. The disclosure statement of co-accused Sanjay resulted into recovery of one country-made pistol. On 18.11.2021, another co-accused Parminder @ Cheema was arrested in this case after getting issue the production warrant as he was in custody in some other case and his disclosure statement revealed that weapon used by him in the crime had already been got recovered by him at the time of his arrest in case FIR No.419 dated 24.09.2021 registered at Police Station Civil Lines, Hisar under Sections 323/307/506/34 IPC and Section 25 (Act N: 54 of 1959) of the Arms Act, 1959. Final report under Section 173 CrPC qua co-accused Sanjay and Parminder @ Cheema was submitted in the Court on 19.01.2022. Two country-made pistols and four live cartridges as used by co-accused Parminder @ Cheema were got transferred in this case. Case property was sent to FSL for necessary analysis. Report under Section 173(8) CrPC qua the present petitioner and co-accused was submitted on 14.11.2022. Charges were framed by the Court on 22.02.2023. Statement of one of the prosecution witnesses namely, Vijay Singh-complainant was recorded partly and thereafter, application under Section 319 CrPC was moved. During his testimony, Vijay Singh identified the petitioner and co-accused in the Court.

4. It is contended by Id. counsel that petitioner is not named in the FIR; that petitioner was arrested on the basis of a disclosure statement allegedly suffered in another case; that recovery of motorcycle has been

planted upon the petitioner in this case; that no material/incriminating evidence to connect the petitioner with the alleged crime has been collected; that only role assigned to the petitioner is that he was sitting on the motorcycle, when co-accused were firing on the son of the complainant; that petitioner is in custody since 03.04.2021; that trial may take long time to conclude and so, in all these circumstances, he be allowed bail. Ld. counsel for the petitioner further submits that petitioner has been identified for the first time in the Court by complainant-Vijay Singh, which has no evidentiary value. Petitioner has also given a list of six cases in which is involved.

5. Strongly opposing the bail petition, ld. State counsel submits that petitioner has been duly identified during the testimony of PW-1 Vijay Singh, the complainant of the case - the father of the deceased and who is the eyewitness of the occurrence. Ld. State counsel further drawn attention towards the examination-in-chief of PW-Vijay Singh, as per which petitioner and co-accused were firing shots at his son. It is after recording the examination-in-chief of this witness that application under Section 319 CrPC was moved to summon Ranjeet s/o Mahavir, Manjeet s/o Mahavir and Yudhvir s/o of Raju, as additional accused.

6. Heard. The allegations against the petitioners are serious. Offence is grave entailing the sentence of capital punishment. Delay in trial appears to have occurred because the co-accused were arrested later on. Petitioner has bad criminal antecedents, due to his involvement in various other cases as admitted by himself and as is also apparent from the custody certificate. Material witnesses are yet to be examined.

7. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner, at this stage.

Dismissed.

(DEEPAK GUPTA)
JUDGE

02.12.2023

Vivek

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No