

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.213

Case No. : CRM-M-50526-2022

Date of Decision : January 30, 2023

Ravinder @ Ravinder Sharma @ Ravi Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.317 dated 22.05.2020, under Sections 186, 188, 307, 34, 353 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Shivaji Colony, District Rohtak.

Reply by way of affidavit of Vivek Kundu, HPS, Deputy Superintendent of Police, Rohtak, has been filed today in Court on behalf of respondent-State of Haryana, which is ordered to be taken on record.

The FIR in question was registered on the basis of complaint made by ASI Satish Kumar that on 21.05.2020, he along with other police officials, was on patrolling and investigation duty. He received secret information that Manoj @ Sunda, Ravi @ Khadka (present petitioner) and Sandeep @ Lambu, all residents of Village Ritoli, having criminal

background and involved in many cases of Rohtak District, were standing near Drain No.8, Bhiwani Road, armed with illegal weapons and a motorcycle for doing some serious offence. On getting this information, police party reached the spot and found that all three were standing with the motorcycle. On seeing police, they fled away towards outer bye-pass. Control Room was informed and ASI Satish Kumar chased them and near Dana-Pani Hotel, all of them left the motorcycle and fled away towards fields. ASI Satish Kumar asked them to surrender, upon which they fired shots with their weapons on the police party. ASI Satish Kumar fired two shots in self defence from his service pistol and similarly, HC Sant Kumar and HC Dinesh also fired two shots each from their pistols on the boys. Two boys were apprehended by police party while one of them fled from the spot. On inquiry, one boy disclosed his name as Manoj @ Sunda and a pistol with three live cartridges was recovered from him. Another boy disclosed his name as Ravi @ Khadka and a country made pistol with empty cartridges was recovered from him. The weapons were taken into possession. They also disclosed the name of third boy as Sandeep @ Lambu, who fled away. It was further disclosed by them that they had suffered injuries on their legs. So, they were got admitted in PGIMS, Rohtak and their MLRs were got conducted. Both of them were discharged from the hospital on 24.05.2020 and were joined in investigation on 25.05.2020.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the case. As per MLR of the petitioner and the co-accused, the description of injuries qua both the accused was given as

probable entry wound over anterior aspect of thigh and probable exit wound over posterior aspect of thigh. It was also written that further injuries might be added during the course of treatment. Learned counsel submits that it is not possible that both the accused persons would suffer injuries at the similar place of their bodies. The petitioner is in custody since 25.05.2020, meaning thereby that more than 02 years and 08 months have passed and the trial is not yet complete. Therefore, the petitioner may be granted concession of regular bail.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, states that the petitioner is involved in six other cases. In the present case, the petitioner has fired on the police party in order to kill them. However, in this case, out of 24 witnesses, only three witnesses have yet been examined. The fact that the petitioner is in custody since 25.05.2020 is not denied.

Countering the submissions of learned State counsel, learned counsel for the petitioner further submitted that as per version of the prosecution, six shots were fired by the police party but only two empty cartridges were recovered.

Heard.

Keeping in view the fact that the petitioner is in custody since 25.05.2020 and the completion of trial will also take a long time as out of 24 witnesses, only 03 have been examined so far, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case,

the present petition is allowed and the petitioner is directed to be released

on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Rohtak.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

January 30, 2023

monika

(GURBIR SINGH)

JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>