

Neutral Citation No.2023:PHHC:151568
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 29.11.2023

1. CRM-M-50450 of 2023

Sandeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM-M-54793 of 2023

Vikas

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

In both the petition titled above, filed under Section 439 Cr.P.C., petitioners have prayed for grant of regular bail in case FIR No.182 dated 30.06.2020 registered under Section 302 IPC at Police Station Barauda, District Sonipat.

2. The main contention raised by both the petitioners is that similarly placed co-accused Neeraj and one S (juvenile) have already been granted the benefit of regular bail by this Court vide order dated 16.08.2023 (Annexure P.1).

3. (i) In the afore-said case, pertaining to Neeraj, the facts noticed are that on 30.06.2020, information was received at Police Station District Sonipat that two police officials in uniform were lying dead at Jind-Gohana Road near Hariyali Park of Village Butana, and motor-cycle bearing No.HR-

Sanjay, SHO Police Station Barauda reached the spot and found the deceased police officials to be Constable Ravinder No.564 and SPO Kaptan No.213, who had gone on night duty on the government vehicle No.HR-10-Y-1465. Their dead bodies were lying on the side of the road, drenched in blood. They had been killed by causing injuries with sharp-edged weapon. On statement of ASI Sanjay, FIR was registered.

(ii) The investigation revealed that during post mortem examination of deceased Ravinder, letters “HR56B-8192” were found to be written in the blue ink on his palm. Said number was found to be of a car make *i-10*. On joining of the investigation by father of registered owner of the said car, it was found that the car had already been sold to **Sandeep (petitioner in CRM-M-50450 of 2023)**. Said Sandeep – petitioner was apprehended along with the car on 01.07.2020.

(iii) On interrogation, said Sandeep disclosed that on 29.06.2020, his friends Amit @ Sunara, **Vikas (petitioner in CRM-M-54793 of 2023)** and one other boy (later on identified as Neeraj), who was friend of Amit had met him. Amit and Neeraj were having relations with girls Asha and `S' (minor) and that they were going to meet them. All of them planned to visit Village Butana. After reaching in front of Hariyali Beej Store in Village Butana at about 12 in the night, they consumed liquor and then he (petitioner- Sandeep) and Amit went to the Village to bring the two girls. After arrival of the two girls, Amit along with `S' occupied the car, whereas Asha and Neeraj were sitting on another corner. It was further disclosed by petitioner- Sandeep that Amit and `S' were indulging in intercourse, when at about 2:00-2:30 AM, a police motor-cycle came and started making inquiries from them. As per petitioner- Sandeep, Asha and `S' disclosed that police officials knew them being posted in the Police Post of their village and asked

to kill them to avoid any scenario in the village. Amit then took out a knife, whereas he (Sandeep), 'S' and Asha thrashed the police officials, whereas Amit stabbed repeatedly at the two police officials, namely, Ravinder and Kaptan, resulting in their death.

(iv) On the basis of afore-said disclosure statement of petitioner- Sandeep, Police party proceeded to arrest Amit and petitioner- Vikas. During the chase, petitioner- Vikas succeeded in fleeing away but Amit alias Sunara was killed in police encounter having received bullet injuries. Regarding this incident, FIR No.263 dated 01.07.2020 was registered at Police Station City Jind under Sections 186, 307, 353, 333/34 IPC and Section 25 of the Arms Act. During further investigation, Asha and 'S' were also arrested and their disclosure statements were recorded.

(v) Petitioner- Vikas along with Neeraj were arrested on 06.07.2020. They also suffered disclosure statements admitting their guilt. Vikas got recovered clothes worn at the time of occurrence. Both of them also identified the knife used by Amit at the time of occurrence, which was recovered in FIR No.263 dated 01.07.2020 registered at Police Station Jind, which was got transferred in this case. After concluding investigation, final report under Section 173 Cr.P.C., against petitioner- Sandeep, Asha, Neeraj and petitioner- Vikas was filed in the Court, whereas final report qua juvenile 'S' was filed before the Juvenile Justice Board.

(vi) Police report also discloses that after framing of the charges on 28.01.2021, 46 witnesses out of 48 cited by the prosecution have already been examined.

4. It is contended by learned counsel for the petitioners that attribution to have inflicted injuries with knife to both the deceased Kaptan and Ravinder is to co-accused Amit alias Sunara, who has already been

killed in police encounter. They further submitted that case of co-accused Neeraj is similar to the petitioners and since Neeraj has already been released on bail, so petitioners deserve the same benefit.

5. Learned State Counsel has opposed the petitions by submitting that it is a double murder case involving two police officials and so, considering the gravity of the offence, petitioners do not deserve to be granted the benefit of regular bail. Learned State Counsel further submits that petitioners actively participated in the crime, inasmuch as it is the car of petitioner – Sandeep, which was used in the crime and that it is petitioner-Vikas, who along with co-accused Neeraj had thrashed the police officials, when Amit caused injuries with knife in the chest and head of the deceased.

6. Having considered the submissions of both the sides, this Court finds the case of both the petitioners to be on parity with co-accused Neeraj, who has been allowed bail vide order dated 16.08.2023 passed in CRM-M-22942 of 2022 (Annexure P.1) by this Court.

7. It is Amit alias Sunara, the co-accused already killed in a police encounter, who is specifically attributed to have given knife blows to both the deceased- police officials Ravinder and Kaptan. The attribution to petitioner- Sandeep is that his car was used, when all the accused including the petitioners had gone to the spot so as to meet the two girls; whereas attribution to the petitioner – Vikas is that he along with Neeraj had thrashed the deceased police officials, when Amit alias Sunara inflicted knife injuries to them. Neeraj has already been allowed bail by this Court vide order dated 16.08.2023 passed in CRM-M-22942 of 2022. Therefore, petitioners deserve to be given the benefit of bail on the basis of parity. It is also worth noticing that petitioner- Sandeep is in custody since 07.07.2020 as per the custody certificate and thus, his custody period is 03 years 04 months and 14 days;

whereas petitioner- Vikas is in custody since 11.07.2020 as per the custody certificate and thus, his custody period is also 03 years 04 months and 26 days. Thus, both the petitioners are in custody for the last more than 03 years and 04 months. Although petitioner – Vikas is also involved in two more cases as per the custody certificate, whereas petitioner- Sandeep is involved in one more case, but having regard to the roles attributed to them in the present case, the involvement of the petitioners in other cases cannot be the reason to decline them bail.

8. Having regard to the afore-said discussion and particularly on the ground of parity, but without commenting anything on the merits of the case, both the petitions are accepted. Both the petitioners are directed to be released on bail on their furnishing personal bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

A photocopy of this order be placed on the file of connected case.

November 29, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No