

221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2403-2024
Date of decision: 21st May, 2024

Ravinder @ Raja

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arjun Dhingra, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

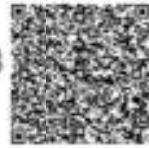
FIR No.	Date	Police Station	Sections
850	28.12.2022	Surajkund, District Faridabad	363/302/ 364 of IPC, 1860 and Section 6 of POCSO Act, 2012

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the that on 28.12.2022, the complainant ‘N’ (name withheld) submitted a written complaint alleging therein that the victim ‘J’ (name withheld) who was his seven years old child studying in Government School of his village. She had left home on 27.12.2022 for about 8:00 AM, but did not return. A case under Section 363 of IPC was initially registered. Investigation proceedings were initiated. During investigation, the footages of the CCTV cameras installed in the village were checked. The petitioner



was seen while following the victim. He was apprehended on the basis of suspicion. He suffered a disclosure statement admitting to the effect that he had ravished the victim and thereafter, had killed her and had concealed her dead body. The dead body of the victim lying in a pit was recovered. Inquest proceedings were initiated. Post-mortem examination of the dead body was conducted. The petitioner also got recovered from the spot of occurrence a brick used by him to kill the victim, a shaving blade used to cut her throat and a cloth used by him to strangle her and tie the feet of the dead body after killing the victim. Her school bag and slippers were also recovered from the spot. During the course of investigation, offences under Sections 302 and 364 of IPC as well as Section 6 of POCSO Act were added. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently the petitioner is facing trial for the commission of the aforementioned offences. He had moved two applications for grant of bail before the learned trial Court which was dismissed on 18.12.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not named in the FIR. There is no eye-witness to the occurrence and he has been nominated as an accused only on the basis of CCTV camera footage, wherein he was seen going behind the victim. False recovery has been planted upon her. The complainant and other independent witnesses have since been examined and neither of them have supported the prosecution version and implicated him in the subject crime. His further



detention would not serve any useful purpose. Therefore, it is argued that he deserves to be given concession of bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner as he took away the minor victim and after committing rape upon her, had killed her in a brutal manner. Brick, blade as well as a piece of cloth used by the petitioner for killing the victim had been recovered at his instance and as per his demarcation. The FSL report is still awaited. The allegations against the petitioner are serious in nature. There are chances of his absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner has placed on record copies of statements of certain witnesses including the complainant to show that none of them have implicated him in the present case. It may be mentioned that this case is mainly based on circumstantial evidence and therefore, the argument that one or more of the witnesses have not supported the prosecution version on certain points cannot be stated to be a ground to hold that the petitioner is innocent. It has also been revealed that the complainant while appearing as PW-1, has identified his daughter while going to the school and the petitioner while chasing after her with fast steps in the footage of the CCTV



camera. He also admitted that the blade used for cutting the throat of the victim had been recovered at the instance of the petitioner in his presence. The allegations against the petitioner are serious in nature. The apprehension expressed by the prosecution that the petitioner may abscond if extended benefit of bail cannot be stated to be unfounded. Keeping in view the nature of the allegations, as levelled against the petitioner, the quantum of sentence which the conviction may entail, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No