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CRM-M-6160-2023 (O & M)

(216) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6160-2023 (O & M)
Date of Decision: 29.08.2024

Ranbir Singh @ Fouji

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Partap Singh, Advocate,
with Mrs. Santosh Bhardwaj, Advocate,
and Mr. Vikas, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the second petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.106 dated 04.05.2020 under Sections 302, 120-B IPC and Sections 25/54/59 of the Arms Act registered at Police Station Line Paar Bahadurgarh, Distt. Jhajjar, Haryana.

2. The present FIR came to be registered at the instance of Sandeep Kumar and reads as under:-

To, The SHO Sir, P.S. Line Paar, Bahadurgarh. Respected Sir, it is submitted that I am Sandeep Kumar s/o Balwan Singh r/o Vats Colony, Line Paar, Bahadurgarh. I am in a private. job in Delhi. We are three brothers out of which eldest namely Pawan is working with Haryana Police and

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I am the youngest and brother among us namely Manoj Kumar aged 36 years was working with 3rd Battalion, Vikaspuri, Delhi Police. All of us used to live together alongwith family in one house only. My brother Manoj had cordial relations with Bimla w/o Ranbir Fouji s/o Balbir Singh r/o Vats Colony, Line Paar, Bahadurgarh who is sister in law in relation, that due to this Ranbir Fouji, the husband of Bimla and his family members namely Mahender Singh, sister Babli, Uncle Prem and cousins Rajesh, Rakesh, Manoj and son of their Aunt namely Vijay s/o Ram Bhagat who also lives in our colony, all these above named persons were keeping grudge against my brother Manoj and our neighbor namely Ramesh Kumar s/o Dhoopan Singh, who was close friend of my brother Manoj, they were also keeping grudge against him and earlier also on several occasion they used to threaten my brother Manoj but being relatives we used to ignore all these things. Now for last 6-7 months Bimla alongwith her two children namely Kajal and Happy, after leaving the house of Ranbir Fouji, was living in Line Paar Bahadurgarh itself in separate accommodation and all the expenditure of Bimla and her children was being borne by my brother Manoj. That due to all these reasons Ranbir Fouji and all the above mentioned persons of his family started nourishing more grudge against my brother Manoj. That today i.e. 04.05.2020 approx. 7.00 AM my brother Manoj and our neighbor Ramesh Kumar s/o Dhoopan both went for walk to Bidro (Canal). That after some time brother Manoj called from his Mob. No. 7988912252 on my Mob. No. 9355271515 and said that someone has shot upon me and Ramesh on which I alongwith my friend Yogesh s/o Rajender Singh and Yogesh @ Dhillu reached

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Bidro (Canal) for taking care of Manoj where the dead body of Ramesh Kumar was lying on the "kaccha path" facing earth having fire arm shot in the head and on some distance my brother Manoj was lying who was still alive. That I lift my brother and took him to Civil Hospital for treatment where after checking doctor declared my brother Manoj dead. That I have full belief that due to the grudge regarding Bimla, Ranbir Fouji, Mahender sons of Balbir Singh, Rajesh, Rakesh, Manoj Kumar sons of Prem Singh, Prem Singh, Babli, Vijay s/o Ram Bhagat, in connivance with each other or someone else had killed my brother Manoj and neighbor Ramesh Kumar by shooting upon them. Legal action be taken against all of them. Sd/- Sanjeev Kumar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of suspicion only. In fact, the motive did not lie with the petitioner inasmuch as he had already been divorced from his wife Bimla who was alleged to be involved with one of the deceased-Manoj. Even as per the case of the prosecution, the petitioner was not present at the spot and has been involved with the aid of Section 120-B IPC. The recovery of the weapon had been planted upon him. As he was a first-time offender, in custody since 05.05.2020 but only 05 out of the 31 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, while referring to the reply dated 12.09.2023 contends that it was the case of a

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double murder. As per the case of the prosecution, the petitioner was married to Bimla who was in an illicit relationship with one of the deceased-Manoj Kumar because of which he had hired to co-accused, namely, Pawan and Tejpal to commit the offence in question. Both the said accused had been arrested and had suffered their disclosure statements inculcating the petitioner. The weapon of offence had been recovered from the petitioner whereas various articles such as a pistol, clothes and shoes were recovered from the co-accused Pawan and Tejpal. Therefore, looking at the nature of the allegation, the petitioner was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 05.05.2020 and that only 05 out of the 31 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 05.05.2020 and only 05 out of the 31 prosecution witnesses have been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Ranbir Singh @ Fouji is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

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8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the present one.

9. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2024

sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No