

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6542 of 2024
Reserved on: 16.07.2024
Pronounced on: 30.07.2024

Ravi @ Ravi Malik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
110	07.02.2023	Sector-58, Faridabad	148, 149, 341, 302, 120-B IPC and 25 of Arms Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came before this Court under Section 439 of the Code of Criminal Procedure, 1973 (CrPC), seeking bail.

2. In paragraph 7 of the bail petition, the accused declares that he has no criminal antecedents.

3. Prosecution’s case is being taken from reply dated 06.05.2024 which reads as follows:

“2. That brief facts of the case are that the present FIR was registered on the complaint of complainant Balwant, wherein the complainant alleged that Vipin was his real nephew, who was a student of Class XI in Rawal International School. On the even date, while school bus of Vipin dropped him after the school at 3.30 p.m., he was coming to the village alongwith Aakash and Neha on motorcycle bearing No.HR-29-AM-2856. Meanwhile, at some distance, 7-8 boys on two motorcycles and one Scooty, obstructed their way. Out of them, two young boys made Vipin alighted from the motorcycle and caught hold him while two boys inflicted severe knife injuries in the abdomen and chest of Vipin. The remaining assailants also caused injuries to him with fist and kick blows and when Vipin raised alarm, the complainant, who was working in nearby field, reached there and rescued him. The assailants fled away from there after raising threats to kill him. Later on, Vipin succumbed to the injuries sustained in the incident.

5. That thereafter, proceedings under Section 174 Cr.P.C. were carried out. Post

mortem of deceased Vipin was got conducted at B.K. Hospital, Faridabad bearing his Post Mortem No. CH/MS/PMR/97/2023 dated 07.02.2023. As per his post mortem report, cause of death was opined by the doctor that **"In my opinion, the cause of death in this case is injury no. 1 described and its complications recently in duration homicidal in manner and injury no. 1 is sufficient to cause death in ordinary course of nature."** Copy of Post Mortem Report of deceased Vipin is already annexed with the petition as Annexure P-2.

6. That after the post mortem, the dead body of deceased Vipin was handed over to his family members. A parcel containing the clothes of the deceased was handed over to police for examination, which were taken into possession. As per post mortem report (Annexure P-2), following injuries were found on the person of deceased Vipin, which were antemortem in nature, details of which are as under:-

Examination of External injuries		Injury Number
1.	A stab wound of size 7 x 1 cm with depth up to the right ventricle of heart was present obliquely over the left side of chest situated 3 cm. left to midline, 10 cm below the midclavicular point and 37 cm above left anterior superior iliac spine. Lateral angle was more acute than medial angle. The wound margins were reddish, regular and clean cut. The lower margin of wound was undermined.On dissection the tract of wound was going downwards, backwards and medially towards right side. The tract of wound was passing through and through the skin, subcutaneous tissue, 3 rd intercostal space, sternum bone, pericardium and reaches upto upper part of right ventricle where it caused a incised wound of size 2 cm over the right ventricle. The margins of cut over the sternum bone were found regular and clean cut. The left side of pleural cavity contained about 1000 cc of liquid blood. The pericardial cavity contained about 250 cc of liquid and clotted blood. The tract of wound was showing ecchymosis.	1
2.	A muscle deep stab wound of size 3 x 0.5 cm with a depth of 7 cm was present obliquely over the pubic region across midline situated 14 cm below the umbilicus and 53.5 cm below the suprajugular notch. Lower angle was more acute than upper end. On dissection, the tract of wound was passing through the skin, subcutaneous tissue and underlying muscles. The margins of wound were regular, reddish and clean cut. The tract of wound was going upwards, backwards and laterally towards left side. The tract of wound was showing ecchymosis.	2
3.	A muscle deep slab wound of size 4.5 x 1 cm with a depth of 7 cm was present obliquely over the lateral aspect of left gluteal region situated 22 cm left to midline and 26 cm below the inferior angle of left scapula. The anterior end was more acute than the posterior end. The wound margins were reddish, regular and clean cut. The tract of wound was passing through the skin, subcutaneous tissue and underlying muscles. On dissection, the tract of wound was going upwards, backwards and towards posterior side. whole tract was showing ecchymosis.	3

8. That during the investigation, CCTV footage of the camera installed at the house of Gulshan-Sarpanch was taken into possession in a pen drive. Said CCTV footage was perused and in the said Footage, movement of school bus is seen and a boy and a girl are seen going on a motorcycle and two boys are seen riding on another motorcycle. A knife is seen in the hand of the boy (pillion rider) and a scooty is seen behind the motorcycle. But three boys are seen coming from the place of

occurrence towards village Nangla Jogiyan.

*11. That on 12.02.2023, Umesh, Ravi and Shiv Rawat were joined in the investigation and accordingly, they were arrested. They suffered their disclosure statements and confessed their guilt. In pursuance to their disclosure statements, they got demarcated the place of occurrence. Translated version of disclosure statement of petitioner/accused alongwith vernacular thereof is being annexed herewith as **Annexure R-1.**"*

4. Petitioner's Counsel contends that the pre-trial incarceration would cause the petitioner and family an irreversible injustice.

5. The State opposes the bail and submits that there is ample evidence to connect the petitioner with the offence and is not entitled to bail and has referred to the relevant paragraph of the reply which reads as follows:

"21. That CDR and CAF IDs of mobile number of deceased Vipin (9818271598) and mobile number of accused Sachin @ Sucha @Satan (9971060313), mobile number of Naveen (9311268654), mobile number of juvenile Shiv Rawat (7428150068), mobile number of Ashish @ Abhishek (9971867037) and mobile number of Umesh (8745958162) were obtained. According to the CDR, deceased Vipin and accused Sachin @ Satan @ Sucha and Ravi and juveniles Shiv Rawat, Ashish @ Abhishek and Umesh were found present at the time of the incident and according to the mobile phone of accused Naveen, he was found in village Sikri."

6. A perusal of above paragraph points out that as per the CDR the petitioner alongwith other co-accused and the victim is present on the spot and as such, also seems involved in the conspiracy.

7. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

8. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

9. **Petition dismissed.** All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

30.07.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.