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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7140-2024

Date of Decision: 29.02.2024

Ravinder Kumar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ravi Kant Sharma, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Deepak Jain, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.282 dated 07.10.2023, registered under Sections 120-B, 201, 302, 328, 34, 506 of IPC, at Police Station Nathu Sarai Chopta, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor there is any averment in the FIR, which even remotely suggests the involvement of the petitioner in the alleged crime. Learned counsel further contends that in the present case, there is no evidence to indicate that it was a case of homicidal death and the medical evidence in the present case is completely lacking. Learned counsel further contends that even no post-mortem examination was conducted in the present case and the FIR has been got registered by the complainant, after several days of the occurrence by

levelling certain sensational allegations against the co-accused. Learned counsel further contends that the main accused, Subhash and Sandeep have already been arrested by the police and the custodial interrogation of the petitioner may not serve any purpose, at this stage. Learned counsel has further placed reliance on the order of Annexure P-5, passed by this Court in CRM-M-61548-2023, whereby the concession of anticipatory bail has been granted to the similarly placed co-accused Bhagwan Ram @ Sethi.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner along with his co-accused had caused the murder of Sandeep (since deceased) and in view of the gravity of the allegations levelled against the present petitioner, the bail application is liable to be dismissed by this Court. He further contends that the petitioner had conspired with his co-accused and even the tower location of the phone calls of the petitioner and another co-accused was also of the same place on several occasions.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that vide order dated 15.01.2024 (Annexure P-5) passed by this Court, similarly placed co-accused Bhagwan Ram @ Sethi has already been granted the anticipatory bail by this Court. Even though, it is stated to be a case of homicidal death, but the prosecution could not place on record any medical evidence to prove the same. Apart from that, no post-mortem examination in the present case was got conducted by the prosecution and the ingredients of the offence under Section 302 IPC would be debatable and can be proved by the prosecution, only during the course of trial by leading

evidence. Still further, main accused, Subhash and Sandeep have already been arrested by the police and in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. Needless to say that the above observations have been made only for the limited purpose of disposal of the bail application and the trial Court shall decide the trial on the strength of the evidence led before it.

29.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No