

CRM-M-17983-2023

-1-

220

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17983-2023

Date of Decision: 04.03.2024

RAVI KUMAR @ BUNTY

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.194 dated 30.07.2022 (Annexure P-1) registered under Sections 201/302/34 IPC, 1860 at Police Station Chhachhrauli, District Yamuna Nagar.

2. The brief facts of the case are that one Sumit Kumar purportedly met with a road accident on 28.01.2019 and received injuries in the said accident. He was initially admitted at Civil Hospital Hospital, Yamuna Nagar where he was referred to the Government Hospital, Sector 32, Chandigarh. He died during treatment on 31.01.2019. The statement of complainant-Jai Parkash and multiple other persons was recorded to the effect that the deceased had died on account of a motorcycle accident. The copy of the statement of the complainant and various other persons are attached as Annexure P-3 and P-4 to the present petition.

CRM-M-17983-2023

-2-

3. Based on the investigation conducted, the SHO, P.S. Chhachhrauli filed a report to the effect that as the incident had occurred due to sudden falling and receiving of injuries, nobody was responsible. The copy of the said report dated 25.04.2019 is attached as Annexure P-5 to the petition.

4. Meanwhile, one Yudhvair Singh alias Yudu was arrested in FIR No.151 dated 16.06.2022, U/s 302, 201 IPC, P.S. Chhachhrauli. He suffered his disclosure statement stating that he along with the petitioner had murdered the deceased-Sumit Kumar. Based on the said statement recorded in FIR No.151 dated 16.06.2022, the instant FIR came to be registered at the instance of Jai Parkash, father of the deceased-Sumit Kumar which reads as under:-

“Copy of complaint. To SHO, P.S. Chhachhrauli Distt. Yamuna Nagar. Sub: Complaint against Yudhvair and his friend Bunty, R/o vill. Nahar Taharpur, tehsil Chhachhrauli Distt. Yamuna Nagar. Sir, it is requested that I Jai Parkash s/o Sh. Kabaj Singh, caste Hindu Gujjar, R/o vill. Ranipur Kalan, P.S. Bilaspur Distt. Yamuna Nagar and doing the work of agriculture. I am married at village Yakubpur. My son Sumit Kumar died on 31.01.2019 during treatment at Govt. Hospital, Sector-32, Chandigarh, my son Sumit Kumar, aged 24 years used to reside with his maternal uncle Parmod Kumar s/o Elam Singh, caste Gujjar, R/o Vill. Yakubpur and learning the work of denting /panting at Yamuna Nagar at also residing with his maternal uncle Vill. Yakubpur. On dated 30.01.2019, I came to know that my son Sumit Kumar met with an accident he has been got admitted at Govt. Hospital, Sector-32, Chandigarh for treatment. I went to Govt. Hospital, Sector-32, Chandigarh after having information. That I came to know that my son Sumit Kumar on 28.01.2019 was going to his village Ranipur from village

Yakubpur, after borrowing motorcycle M/C Hero Honda Splendor no.HR71-F6620 of Rohit s/o Rajpal Kashyap, R/o Yakubpur. He was going on the way leading to Chhachhrauli from Naharpur and on that way, my son Sumit Kumar found lying unconscious. There were injuries on his mouth and head. My son Sumit Kumar died on 31.01.2019 during treatment at Govt. Hospital, Sector- 32, Chandigarh. That my son used to keep wallet of black colour, ITI identity card, Bus Pass and other important documents in his pocket. That at that time, I was told that my son died due to slipping the motorcycle. That I did not believe on this and since that day, I was enquiring the reason for the death of my son on my personal level. Now, I came to know that my son was killed by Yudhvir and his friend Bunt, R/o Vill. Nahar Taharpur by beating with dandas (sticks). That legal action be taken against these persons and justice be provided to me. Sd/- Jai Parkash s/o Sh. Kabaj Singh, caste Hindu Gujjar, R/o vill. Ranipur Kalan, P.S. Bilaspur Distt. Yamuna Nagar, dated 30.07.2022.”

5. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The initial version was to the effect that the deceased had died in a road side accident. The implication of the petitioner after three years based on the disclosure statement of a co-accused recorded in another FIR would not amount to any substantial evidence inculcating the petitioner. In fact, other than the said disclosure statement, there was absolutely no evidence against the petitioner. The purported recovery of a Danda used in the occurrence, a purse, identity card, bus pass and other documents belonging to the deceased is nothing but an attempt to shore up the prosecution case. As the petitioner was in custody since 01.08.2022 and only 03 of the 20 prosecution witnesses had been examined

CRM-M-17983-2023

-4-

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.

6. On the other hand, the learned State counsel while placing reliance on the affidavits dated 30.06.2023 and 31.10.2023 contends that there was sufficient evidence inculcating the petitioner. A Danda had been recovered from him along with certain documents belonging to the deceased. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since 01.08.2023 and only 03 of the 20 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for both the parties.

8. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 01.08.2023 and only 03 of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ravi Kumar @ Bunt son of Shri Pala Ram is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. 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 crime other than the present case.

CRM-M-17983-2023

-5-

11. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.
12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 the trial without sufficient cause.
13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

04.03.2024
JITESH

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