

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19066-2023

Sagar

.....Petitioner

Vs.

State of Haryana

.....Respondent

Reserved On.: 02.02.2024

Pronounced On: 06.02.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Pardeep Duhan, Advocate for
Dr. (Mr.) Pankaj Nanhera, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J.

The petitioner prays for his release on regular bail by way of this petition filed under Section 439 Cr.P.C in a case arising out of FIR No.03 dated 02.01.2022 under Sections 148, 149, 302, 506, 120-B IPC & Section 25 of Arms Act registered at Police Station Sadar Ballabgarh, District Faridabad.

2. Status report by way of an affidavit of Shri Sukhbir Singh, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad has been filed on behalf of respondent- State.

3.1 As per prosecution version, on 01.01.2022, information was received from control room at the police station to the effect that a person namely Rahul had been injured with knife injuries in Village Sagarpur. Police reached the spot. By that time, injured had been shifted to the hospital. Police reached Sarvodya Hospital, Sector-8, Faridabad, where it was found that during treatment, victim Rahul had succumbed to the injuries. MLR was

CRM-M-19066-2023

collected, which revealed as many as 14 stab injuries over the body of deceased Rahul.

3.2 Dharam Raj, the father of deceased Rahul, got recorded his statement, as per which on that day i.e. 01.01.2022, his son had gone to meet Hariom son of Brahampal resident of Sagarpur at about 05:30 p.m. He received information at about 06:10 p.m. that his son Rahul had been surrounded by 08-10 boys on Sunped Road, Sagarpur, who were abusing and fighting with him. Accompanied by his nephews Udaypal and Surajbhan, complainant reached there and in the headlight of the car, they noticed that Hariom son of Brahampal, Bablu @ Ranveer son of Sagar, Aman son of Bachchu, and Ashish son of Gyanendra were attacking Rahul with knives. They were accompanied by 03-04 other persons, whose name he did not know but can recognize them, if produced before him. As they shouted, the assailants fled away with their weapons.

4. FIR is registered. Investigation was carried out. Statements of witnesses were recorded. Post-mortem examination of deceased was got conducted. Hitesh @ Hariom was arrested on 06.01.2022 and on interrogation, he suffered disclosure statement, disclosing the name of the petitioner to be one of the assailants. Petitioner was arrested on 10.01.2022. On the basis of disclosure suffered by him, danda/lathi used in the crime was recovered from him. The names of Partap, Deepak, Harsh and Sachin surfaced to be amongst assailants during investigation and they were nominated accordingly. Ashish and Aman were joined in the investigation but were found to be innocent by ACP Crime Branch, Faridabad. After completion of investigation final report under Section 173 Cr.P.C. was submitted against the petitioner and co-accused.

CRM-M-19066-2023

During trial, Aman and Ashish were also summoned as additional accused on application under Section 319 Cr.P.C. Charges are yet to be framed.

5. It is contended by learned counsel for the petitioner that petitioner is falsely implicated in the case having no connection with the crime; that there is unexplained delay of one day in registering the FIR; that except for the disclosure statement of co-accused, there is no other evidence against him; that version of the complainant is falsified, as only danda was recovered from petitioner, whereas injuries were allegedly inflicted by sharp edged weapons; that co-accused Ashish and Aman have already been released on bail by a co-ordinate Bench of this Court and so, petitioner deserves to be given the benefit of bail on parity. Learned counsel further contends that petitioner is in custody for the last more than 02 years with no criminal case pending against him and that trial may take long time to conclude and so, he be allowed bail.

6. Strongly opposing the bail petition, learned State counsel points out that petitioner is specifically named to be one of the assailants in the initial version made by Dharam Raj, the father of the deceased, on whose statement this FIR was registered. Further attention is drawn towards the fact that complainant Dharam Raj along with Udaypal and Surajbhan had witnessed the occurrence in the headlight of the car as per the FIR version. These witnesses are yet to be examined. As far as co-accused Aman and Ashish are concerned, they have been allowed bail, as they were found to be innocent during investigation and were summoned later on as additional accused under Section 319 Cr.P.C. and so, petitioner cannot claim parity. Prayer is made for rejecting the petition.

7. I have considered submissions of both the sides and have perused

CRM-M-19066-2023

the record.

8. After hearing both the sides, I agree with the submissions as made by learned State counsel. Petitioner is named to be one of the assailants in the FIR, though in the FIR (Annexure P-1), he is referred as Bablu @ Ranveer son of Sagar, instead of Sagar son of Bablu @ Ranveer, as is mentioned in the title of the petition. Petitioner Sagar being just 21 years of age as mentioned in the petition, obviously Bablu @ Ranveer could not have been his son, who otherwise is his father. As rightly pointed out by learned State counsel, complainant Dharam Raj besides his nephews Udaypal and Surajbhan are the eye-witnesses of the occurrence. Prosecution has yet to lead its evidence. Case is thus dependent upon the direct evidence. Petitioner cannot claim parity on account of grant of bail to co-accused Ashish and Aman @ Aman Nehra, as they were granted bail by the co-ordinate Bench after noticing that they were found innocent during investigation and were later on summoned as additional accused under Section 319 Cr.P.C.

9. Having regard to the aforesaid facts & circumstances and the role attributed to the petitioner, and also the gravity of the offence entailing the sentence up to capital punishment, but without commenting anything further on the merits of the case, this Court is not inclined to grant bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

February 06, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No