

CRM-M-26343-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26343-2024
Reserved on: 08.11.2024
Pronounced on: 19.11.2024

Rajan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
173	25.06.2020	Kalayat, Distt. Kaithal	212, 396, 302, 115, 216A, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that on 25.06.2020 a telephonic message was received in Police Station Kalayat that injured Ram Bhaj Dass was admitted in Govt. Hospital, Kaithal on account of sustaining injuries in an attack upon him and that he has been referred to PGI, Sector 32, Chandigarh where he has died. On receipt of this information, police officers reached in Police Post, Govt. Hospital, Kaithal and after obtaining medical ruqqa and MLR of deceased AK/GHK/88 dated 24.06.2020 (Annexure-R-1) reached PGI Sector 32 Chandigarh, where Amandeep son of Jai Pal, resident of village Sanghan, District Kaithal was found present, who got recorded his statement that he is agriculturist and do service in Derga Shargi Rishi. On 24.06.2020 at about 7.00 p.m. when along with Rajesh Kumar were sitting with Baba Ram Bhaj Dass at Dera Bhanpura village Nauch. At about 7.30 P.M. Kulbir son of Parkash

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also came there in an open jeep and stated that we have become too late and go immediately. While leaving Baba stated that they are going to Kaithal for drinking juice. At about 8.00 P.M Baba Ji and Kulbir left the Dera in Car No. HR08X-6635 make Swift. The complainant further alleged that at about 10.30 P.M. They received information that someone had caused injuries to Baba Ram Dass and thereafter, again they received information about the admission of Baba Ram Dass in Government Hospital, Kaithal. On receipt of this information, the complainant/Amandeep, Rajesh and Charan Dass, father of Baba Ram Dass came to Govt. Hospital, Kaithal. On account of the critical condition of Baba Ram Dass, he was taken to Shah Hospital, Kaithal by them. When Baba Ram Dass regained consciousness and on their enquiry, Baba stated that Kulbir, Mehra, Chhavi Dass Baba had caused injuries to him with 'Dandas'. The complainant further alleged that regarding this, they had also prepared Video and cash, mobile, Car No. HR-08X-6635 of Baba were also snatched by the assailants. The complainant further alleged that when Baba Ram Bhaj Dass was taken to PGI Sector 32, Chandigarh, on the way he expired and that accused Kulbir, Chhavi Ram Dass and Mehra had caused murder of Baba Ram Bhaj Dass after causing injuries to him. On these allegations, legal action against the accused was prayed for."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"13. That regarding the role of present petitioner Rajan, it is submitted that he played an active role in the commission of crime and he along with other co-accused caused injuries to deceased Baba Ram Bhaj. The eye witness Kulbir Singh and other witnesses Amandeep, Baba Charan Dass and Rajesh were joined in the investigation on 01.07.2020 and their statements under sections 161 Cr.P.C were recorded. In the statement, eyewitness Kulbir Singh, who was accompanied the deceased Baba Rambhaj Dass/ deceased at the time of occurrence, categorically stated in his statement under Section 161 Cr.P.C and 164 Cr.P.C that six boys gave injuries to deceased Baba RambhajDass and out of them, he recognized Three boys namely Ajay Mehra, Gurmeet and Rajan/present petitioner. He categorically stated that Rajan/present petitioner inflicted injury on

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Rambhaj Das with danda/stick. Thereafter, the co-accused-Gurmeet Singh took the danda/stick from Rajan/present petitioner and assaulted Baba Ram Dass (deceased) with the danda/stick. The petitioner was arrested in the case on 05.07.2020 and during interrogation he disclosed his involvement in the crime and he also got recovered a Tata Nexon HR-79B-8514 of black colour used in the crime.”

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime.

8. However, a co-ordinate bench of this Court has granted bail to a similarly placed accused in CRM-M-58570-2024 Gurmeet Singh v. State of Haryana, vide order dated 16.05.2024 and para 5 of the said order reads as follows:

“5. As per the learned counsel for the parties, it is a case where the petitioner has already faced incarceration for 3 years 10 months and 7 days and he is stated to be not involved in any other case. The name of the petitioner did not figure in the FIR and rather the name of the other co-accused had figured in the FIR. The petitioner was nominated on the basis of disclosure statement of the co-accused namely Kulbir and as per the learned counsel for the parties, the aforesaid Kulbir has already died.”

9. Given the above, the petitioner is entitled to bail on parity with a similarly placed co-accused/Gurmeet Singh.

10. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

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14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.