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

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Date of Decision: 19.11.2024

AMAN @RINKU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akashdeep Singh Advocate,
for the petitioner

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.10, dated 11.01.2023, under Sections 302 and 34 of IPC, 1860, and under Sections 25 and 27 of the Arms Act, registered at Police Station Urban Estate Rohtak, District Rohtak.

FACT OF THE PRESET CASE

2. The case of the prosecution was set up on the statement made by one Ajit Singh. The relevant extract of the same reads as under:-

“.....that I Ajit Singh son of Sh. Zile Singh resident of Village Bohar Pana Melwan District Rohtak. Am married and have children. We were total five brothers and two sisters. The eldest was Ramesh, I was younger than him, than Suresh, than younger sister Santosh, than Naresh, than Surender and youngest among all was Parmila. Among all our brothers and sisters, except Naresh, all were married and had children. We all live in separate houses in the village with our children. That on 11/01/2023 I was at my home in the morning, at around 6.20 AM, I got information that my brother Surender, aged 47 years, and his



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daughter Nikita, aged 14 years, had been shot dead by someone at their home. As soon as I received the information, I immediately reached my brother Surender's house where I saw that my brother Surender was lying dead in the cattle shed. That there was lot of blood oozing out of head and mouth of Surender. The dead body of my niece Nikita was lying dead on the cot in the living room inside the house, with a lot of blood coming out from her mouth and chest. I would like to tell you that my brother Surender was married to Ritu, daughter of Jagbir, resident of village Sisar Khas, district Rohtak. Surender had an elder daughter. deceased Nikita, aged 14 years, who was studying in 8th class and younger son Harshit was born, aged about 8 years. There was a mutual rift between my brother Surender and his wife Ritu for the last four-five years. Due to which Ritu has filed a complaint against my brother Surender in the court at Meham. Ritu has not come to this house for the last four years, leaving her children here and lives in her parental house. I have full suspicion that Ritu and her brothers are behind this murder. Either they themselves have committed this murder or they got it done by someone. That this complaint was written by my nephew. It is requested that postmortem of the dead bodies be conducted and the dead bodies be handed over to us for their cremation. Strict action should be taken against accused persons.....”

3. In the FIR (*supra*), the complainant raised suspicion against one Ritu (who happened to be estrange wife of the deceased Surinder).
4. On the basis of the above statement, the prosecution agency was set into motion. The postmortem of both the deceased was conducted. The postmortem report substantiates the allegations as levelled in the FIR. As per the postmortem report the cause of death of both the deceased was the gunshot injuries.
5. Subsequently, on 12.01.2023, the complainant got recorded his supplementary statement, in which he alleged that he has seen the CCTV footage, and thereupon, he found that the murder of his brother Surender, and his minor niece namely-Nikita, was infact committed by one Sukhbir alias Kalu son of Suresh and present petitioner-Aman alias

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Rinku, as they were seen fleeing from the spot, after committing the said murder, on a motorcycle at the relevant time of incident.

6. On the basis of above, supplementary statement dated 12.01.2023, co-accused-Sukhbir Singh and present petitioner-Aman alias Rinku, were arrested. During the interrogation they suffered disclosure statement, and in pursuance thereto co-accused-Sukbir Singh got recovered one pistol and a motorcycle bearing No.HR-12M-2872, which were alleged used in the commission of crime. It is apt to note that the motorcycle was clearly seen in the CCTV footage. The present petitioner also suffered a disclosure statement and in pursuance thereto, he also got recovered one pistol.

7. The case property, was sent for forensic examination to the Forensic Science Laboratory, Madhubab, including the recovered pistols and bullets. Whereas, DVR containing the CCTV footage was sent to CFSL, Panchkula, for examination.

8. What further surfaced during investigation that, one Manish son of Tokhram, had supplied the pistols and bullets to the accused persons, and he is stated to have been murdered in some other incident. However, the involvement of Ritu and her family members was not found in the incident, and as such she was declared innocent.

9. As per the FSL report, the weapon which was recovered from the present petitioner, and other co-accused, were found to be in working order. Further, the .315 bore fired bullets marked as BC/1 and BC/2, have

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been fired from a countrymade pistol marked W/1, and not from any other firearm, even of the same make and caliber.

SUBMISSION MADE BY LEARNED COUNSEL FOR THE PETITIONER.

10. Learned counsel for the petitioner, in asking for the relief (*supra*) draws attention of this court towards the statements made by the prosecution witnesses who stepped into the witness box as PW-3 (complainant), PW4 (one projected eyewitness), and PW5 (owner of the CCTV camera), to submit that all of them have resiled from their statements, and did not support the case of the prosecution, therefore, they were declared hostile. The prosecution has miserably failed to substantiate the allegations, as alleged in the instant case.

11. He further submits that there is no other circumstantial evidence which could connect the present petitioner with the alleged crime.

SUBMISSION MADE BY LEARNED STATE COUNSEL

12. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner and has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 01 year and 10 months, as on today, and he is involved in many other criminal cases of serious nature, one of these, is punishable under the provisions of Section 307 IPC.

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13. He further submits that infact the case of the prosecution does not stand only on the ocular testimony of the aforementioned three witnesses, as referred by learned counsel for the petitioner, however, there are other sufficient clinching circumstantial evidence, which clearly establishes the guilt of the present petitioner and other co-accused.

14. He further submits while referring from the police record that there is no dispute as on date regarding the recovery of CCTV footage which were not found to be tampered with as per the FLS report.

15. In addition, he also submits that one of the pistols which were recovered in the instant case, was found to be used in commission of the instant crime and for that he placed reliance upon the FSL report.

16. He further submits that the present petitioner is a habitual offender, therefore, he is not entitled for the asked for relief (*supra*).

17. He, on instructions, imparted to him by the police official concerned, submits that out of the total 32 prosecution witnesses cited in the final report, 09 witnesses have already been examined, therefore, the trial is progressing.

CONCLUSION

18. This Court has considered the rival submissions as made by learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that it is case of a double murder, in which, one of the victims is a minor girl, aged 14 years, who has been shot dead, by the petitioner and other co-accused, as alleged.

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19. Incriminating evidence which were collected by the prosecution agency during the investigation, the probative value of such evidence is yet to be examined by the learned trial court concerned.

20. As per the custody certificate, the petitioner is stated to be involved in three more criminal cases of serious offences, one of these has been registered for the commission of offence punishable under Section 307 IPC.

21. Lastly, the trial is moving in its right direction and pace.

22. Therefore, on these counts, at this stage, this Court is not inclined to grant the relief of regular bail to the present petitioner.

23. Consequently, the instant petition is, hereby, **dismissed**.

24. All pending application(s), if any, also stand **disposed** of accordingly.

November 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No