



CRM-M-43236-2024

-1-

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

(118)

CRM-M-43236-2024

Date of decision: - 26.09.2024

Ram Ratan alias Ram Kumar**....Petitioner****Versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Mohd. Salim, Advocate,
for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.195 dated 10.09.2021, under Sections 302, 460, 459, 307, 34 and 120-B IPC and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Passiana, District Patiala.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 05.04.2023 and the investigation in the present case has been completed and there are 28 prosecution witnesses, out of which, only one witness has been partly examined, thus, the trial is likely to take time. It is further submitted that the petitioner



CRM-M-43236-2024

-2-

was not named in the FIR and the said FIR was recorded on the statement of Paramjit Kaur, who is the complainant as well as the injured in the incident and in the said statement, the said Paramjit Kaur had specifically named four persons, who according to her, had come to the place where she along-with her deceased sister, namely, Kulwinder Kaur resided and had stated that out of the said four persons, two had fired gunshots at the complainant and her sister and other two persons had accompanied them and that she had seen all the said four persons. It is further submitted that the said complainant had not named any other person other than the said four persons. It is argued that the said complainant, who is also an injured and is a star witness in the case, had been examined as PW1 and in her examination-in-chief, she had reiterated the version given in the FIR and had specifically named the said four persons and had not named the present petitioner. It is argued that the petitioner is sought to be implicated on the basis of an alleged disclosure statement, which has been allegedly made by the accused Dalwinder Singh and Tarsem Singh in another FIR No.303 dated 10.09.2021, under Sections 307, 34 and 120-B IPC, registered at Police Station Civil Lines, Patiala and even as per the said statement, it is not the case of the prosecution that the petitioner had fired the gun shot and it is only alleged against the petitioner that he, along with co-accused Harvinder Singh @ Sattu, had arranged a pistol which was used in the crime. It is submitted that even the said pistol has not been recovered from the petitioner. It is further submitted that the said Harvinder Singh @ Sattu, who is similarly placed as the present



CRM-M-43236-2024

-3-

petitioner, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 14.02.2024 passed in CRM-M-55378-2023. It is, thus, prayed that the petitioner deserves the concession of regular bail.

3. Learned State counsel, on the other hand, has opposed the present application for grant of regular bail to the present petitioner and has referred to the affidavit of Guriqbal Singh, PPS, Deputy Superintendent of Police, Sub-Division Samana, District Patiala, more so, para 12 of the said affidavit, which gives the details of the evidence against the petitioner. The para 12 of the said affidavit which has been highlighted is reproduced as under: -

*“12. EVIDENCE AGAINST THE PETITIONER: - That accused Dalvinder Singh and Tarsem Singh in another case/FIR No.303 dated 10.09.2021 under Sections 307, 34, 120-B IPC registered at Police Station Civil Lines, Patiala suffered a disclosure statement under Section 27 of the Indian Evidence Act, in which they have detailed the conspiracy of Ram Ratan alias Ram Kumar (petitioner) and co-accused Harvinder Singh alias Sattu in committing the murder of Kulwinder Kaur (deceased). **Moreover, in the instant case, from the disclosure statement recorded by the co-accused Dalvinder Singh, the detailed conspiracy entered into light between the Ram Ratan alias Ram Kumar (petitioner) and co-accused Harvinder Singh alias Sattu and Tarsem Singh in the murder of Kulwinder Kaur and moreover, the Pistol with which the fire was shot upon Kulwinder Kaur was also got arranged by the Ram Ratan alias Ram Kumar (petitioner) and co-accused Harvinder Singh alias Sattu from Meerut.**”*

It is submitted that from the above-said facts, it is apparent that the petitioner was also involved in the present case and thus, he does

**CRM-M-43236-2024****-4-**

not deserve the concession of regular bail. The other factual facts however have not been disputed by the learned State counsel.

4. This Court has heard the learned counsel for the parties and has perused the paper book.

5. It is not in dispute that the petitioner is in custody since 05.04.2023 and there are 28 prosecution witnesses, out of which, only one witness has been partly examined and thus, the trial is likely to take time. It is further not in dispute that in the FIR the petitioner was not named as an accused, although, the said FIR was registered on the statement of Paramjit Kaur, who was the complainant as well as the injured eye witness and also the sister of the deceased and who in the said FIR had specifically named four persons, out of whom, two had fired gunshots on the complainant as well as her deceased sister and two had accompanied them. No fifth person was named in the said FIR. The said Paramjit Kaur, who is a star witness in the present case, has been examined as PW-1 and it is also not in dispute that in her examination-in-chief, she had reiterated the version given in the FIR and had not named the present petitioner. The petitioner is sought to be implicated on the basis of the disclosure statement of the co-accused registered in another FIR and even as per the said version, it is not the case of the prosecution that the petitioner was the person who had fired the gunshots at the deceased and the complainant and had even gone to the house of the said person and the only allegation against the petitioner as well as co-accused Harvinder Kaur @ Sattu was that they had arranged the pistol which was used in the crime. Admittedly, the said pistol has not been



CRM-M-43236-2024

-5-

recovered from the present petitioner. The co-accused, namely, Harvinder Singh @ Sattu, whose case is on similar footing as that of present petitioner, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 14.02.2024 passed in CRM-M-55378-2023.

6. Keeping in view of the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to him not being required in any other case.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 26, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes