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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46459-2024 (O&M)
Date of decision: 03.12.2024

Aman Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition which casted under Section 439 Cr.P.C., prayer is made for grant of regular bail to the petitioner, in case FIR No.73 dated 04.05.2023, under Sections 148, 149, 285, 323, 302, 379, 427 of the IPC, and under Section 25/54/59 of Arms Act (later on sections added 324, 325, 326, 341, 506, 201 IPC, and Sections 285, 427 IPC, deleted) registered at P.S. Sadar Dhand, District Kaithal, Haryana.
2. Learned counsel for the petitioner at the very outset submits that the petitioner is not facing trial for offence under Section 302 IPC, rather the charges have been framed against him only under Section 212 IPC. He further submits that the petitioner has suffered incarceration for more than 01 year 06 months as on today. He further submits that the petitioner is stated to be involved in two other cases, but one case out of

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those, is arising out of matrimonial dispute, in which he is on bail. He also submits that his application was declined by the learned trial Court concerned, on the premise that he is facing trial on account of conspirator to commit murder of one-Sita Ram @ Satish. The instant case has been registered on the statement of one-Piara Singh. The relevant extract of the FIR reads as under :-

“Contents of statement are as under: Statement of Piara Singh son of Lal Singh, resident of Chandigarh Mohalla, Dhand, P.S. Dhand, District Kaithal, aged 65 years, studied upto 5th class, Mob. No.92152-82000. Stated that I am resident of above said address and I am retired from Fertilizer Corporation of India. My nephew Sita Ram alias Satish son of Ramdia, resident of Dhand does work of liquor contracting and property dealing. In the year 2019, in a wedding ceremony in our Village Dhand, fight occurred between Jitender alias Gogi, resident of Jajanpur with Rahul son of Ramjilal, resident of Dhand etc. In the said incident, Rahul, Baljit alias Kala, Ranjit alias Madku sons of Chandi Ram, residents of Dhand etc. had kidnapped Jitender alias Gogi and had caused serious injuries to Jitender alias Gogi. In this regard, FIR No.42/2019 was registered at P.S. Dhand. Jitender alias Gogi's brother Praveen was a partner in property work with my nephew Sita Ram alias Satish. Due to which, my nephew Sita Ram alias Satish was pursuing said case. Ranjit alias Madku and Rahul had told my nephew Satish that he should not pursue the case of Jitender alias Gogi. But my nephew Satish said that he has a partnership with Jitender's brother for property work. Therefore, he will definitely pursue his case. To stop Satish from pursuing the matter, Ranjit alias Madku and Rahul etc attacked Satish on 02.07.2019. But coincidentally, Satish was not in the car that day. In the car, there were Rahul son of

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Sultan Singh, resident of Dhand and Sandeep son of Surender, resident of Dhand. Ranjit alias Madku etc. had brutally murdered Sandeep and Rahul had fled away from the spot on getting opportunity. Regarding the said incident, FIR No.306/2019 was registered at P.S. K.U.K. Due to said grudge, fights occurred many times between my nephew Sita Ram alias Satish and Mandeep son of Ramji Lal, Amarjeet, Baljeet alias Kala son of Chandi Ram, residents of Dhand etc. On 18.04.2023, there was recording of examination of Rahul son of Sultan, resident of Dhand in the murder case of Sandeep before the Court at Kurukshetra. That day, my nephew Sita Ram alias Satish had also gone to Kurukshetra along with Rahul. My nephew Sita Ram alias Satish told me on the same day that when he was going with Rahul to get the statement recorded, Rahul son of Ramji Lal, Ranjit alias Madku son of Chandi Ram and Praveen son of Rajpal, residents of Dhand told him that they have killed one out of them, now they will kill him too. Satish had shown me the video of said incident. Satish had also told me that when he was coming back after getting witness of Rahul recorded, in front of him and Rahul, Ranjit alias Madku, Rahul son of Ramji Lal and Praveen son of Rajpal told Amarjeet son of Chandi Ram that today, Satish had got recorded the witness of Rahul, but before the witness of Sandeep's father Surender on 18th of May, Sita Ram alias Satish has to be killed, the planning of which they will tell them later. Yesterday on 03.05.2023, I went from my home to meet my brother Ramdiya at his house. It was around 09.50 PM, I was returning back home after meeting my brother, when I reached near the turn of the street, I saw that my nephew Sita Ram alias Satish was sitting on the driver's seat in his Scorpio car and he was talking on mobile phone while parking the car in the street. At the same time, Kapil son of Nawab, resident of Dhand also came at the spot. From Pehowa Road, in an Alto

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car, Mandeep son of Ramjilal, resident of Dhand came there, who was carrying iron hammer in his hand, Anmol alias Sunny son of Birbhan, resident of Dhand and another young unknown boy came running near the car of my. nephew by carrying deadly weapons in their hands. At the same time, from the street coming from the middle of the village, Baljit alias Kala son of Chandi Ram, resident of Dhand, Ajay Rathore son of Rohtash, resident of Banjara Colony, Dhand and an unknown young boy came on motorcycle at the spot by carrying deadly weapons in their hands. On coming, Mandeep Panwar s/o Ramji Lal gave iron hammer blow on the right glass of window of driver's side of the car. Baljit alias Kala gave Danda blow carrying in his hand on the right side of the front glass of the car. Anmol alias Sunny son of Birbhan, r/o Dhand took out a polythene envelope from his pocket and took out red chili powder in his hand and threw on the eyes of my nephew Sita Ram alias Satish. Due to which, my nephew Satish screamed loudly and went towards the back seat of his car to save himself. Mandeep and all the other accused broke the glass of the cars with their respective weapons. To save his life, my nephew Satish somehow opened the window of his car and got down, then all the above accused attacked Satish with their respective deadly weapons. Due to which, my nephew Sita Ram alias Satish suffered serious injuries on his head and entire body. Due to which, my nephew Satish fell on the ground in the street. Mandeep said that teach him a lesson today for pursuing the cases registered against them and he should not escape alive. Upon which, all the above accused with their deadly weapons caused serious injuries to my nephew Sita Ram alias Satish, who was lying in the street. I and Kapil raised alarm 'Save-Save'. Then an unknown young boy took out a pistol and a heavy bag from the car of my nephew Sita Ram alias Satish and fired three rounds from the

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pistol. Then all the above mentioned accused went away with their respective weapons by saying that if anyone tried to pursue or give witness in the case registered against them, the consequences would be the same. Then Kapil son of Nawab by arranging vehicle, took my nephew Sita Ram alias Satish to Kurukshetra for treatment. My nephew Sita Ram alias Satish has died due to injuries sustained in the fight. I also came to know that before this incident, my nephew Sita Ram alias Satish was coming to his house in his car after taking currency notes of Rs.130500 from his office at Panchmukhi Chowk, Dhand and a licensed pistol of Jasmer son of Mahender, resident of Dhand on the request of Jasmer for giving him the same. I and Kapil can identify those two-three young unknown boys who were involved in this incident when they appear before us. I am absolutely sure that the murder of my nephew Sita Ram alias Satish has been done in a planned manner by Ranjit alias Madku son of Chandi Ram, Rahul son of Ramji Lal, Praveen son of Rajpal, residents of Dhand and Amarjeet son of Chandi Ram. , after hatching a conspiracy and in connivance with each other. Legal action may kindly be taken against all the above mentioned persons like Mandeep etc. and justice be delivered to us. I have reached Government Hospital Kurukshetra after getting to know about the demise of my nephew Sita Ram @ Satish. I have recorded my statement, heard and is correct. Sd/- Piara Singh Attested Rampal SI PS Dhand Dt.04.05.2023.”

3. Learned State counsel has filed reply by way of affidavit of Bir Bhan, HPS, DSP, (HQ), Kaithal on behalf of respondent-State today in Court. The custody certificate qua the petitioner is also filed today in Court, the same is also taken on record.

4. Learned State counsel by referring to para 14 of the reply, does

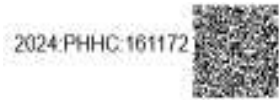
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not dispute the factum that the petitioner, is facing trial only under the offence under Section 212 IPC. A perusal of the reply, as filed by the State, reflects that the charges were framed only for the commission of offence punishable under Sections 148, 149, 302, 323, 427 IPC, read with Section 149, 120-B, 379 IPC, read with section 149 and 285 IPC, read with Section 149 of the IPC, was framed against accused Rajender, Mandeep, Vikas and Ajay, and charges were framed for the commission of offence punishable under Sections 148, 149, 302, 323, 427 of IPC, read with Section 149, 120-B, 379 of IPC, read with Section 149 and 285 IPC, read with Sections 25 and 27 of Arms Act, are framed against accused Akash, and under Section 212 of IPC, was framed against accused Aman and Amarjeet, and under Section 120-B of IPC was framed against accused Baljeet, Abhay, Ranjeet, Parveen and Rahul vide order dated 21.10.2024.

5. This Court has considered the rival submissions made by learned counsel for both the parties concerned.

6. Since the the petitioner is only facing trial under Section 212 IPC, and the petitioner has suffered incarceration of 01 year 06 months and 03 days as on today and no witness has been examined out of total 32 witnesses cited by the prosecution, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.



indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

03.12.2024
Satyawan

(KULDEEP TIWARI)
JUDGE

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