



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-52108-2023 (O&M)
Date of Decision:-28.5.2024

Rampal @ Baba ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Vashishth, Advocate for the petitioner.
Mr. Sheenu Sura, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
252	21.7.2020	Sadar Dabwali, District Sirsa, Haryana.	302, 120-B, 34 of Indian Penal Code and Section 25 of Arms Act, 1959 wherein offence under Section 216 of IPC was added later on.

GURVINDER SINGH GILL, J.(Oral)

CRM-23628-2024

In view of the reasons mentioned in the application, the same is allowed and the documents i.e. statements of PW-1 to PW-11 annexed with the application are taken on record as Annexures P-6 to P-16 subject to all just exceptions.

CRM-M-52108-2023 (Main Case)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.



2. The FIR was lodged at the instance of Vijay Kumar, wherein it is stated that he is into agriculture and that his uncle's son Mukesh Kumar alongwith Param, in partnership with Satish Kumar and company had been allotted a licence for selling liquor in Chautala circle for the year 2020-21. Previously, i.e. for the year 2019-20, the licence for the said area had been issued in favour of Dinesh Kumar. Ved Parkash @ RDX and Sunny, however, used to sell liquor without permission in an illegal manner. Since in the year 2020-21, the licence had been issued in favour of Satish and company, Mukesh, Jai Parkash and Param, therefore, Dinesh Kumar, Ved Parkash @ RDX and Sunny held some kind of enmity against them. They created several obstacles when Mukesh Kumar and others were trying to take some shop on rent. It is alleged that on 20.07.2020 when the complainant, Param, Jai Parkash, Mukesh Kumar and Pawan Kumar son of Rajender Kumar were sitting at the liquor shop, then Jai Parkash told them that Ved Parkash @ RDX and Sunny had threatened him that they would not let Jai Parkash and others carry on liquor business and will be taught a lesson. It is alleged that on 20.07.2020 at about 8-8:30 p.m., when he, Pawan Kumar and his companions came to their office in their vehicles near their liquor vend, three young men were having beer in the park in front of the hotel adjacent to their liquor vend. It was found they had been sitting there since 5-6 p.m. and were having beer. Shortly thereafter, Mukesh Kumar, Jai Parkash and Param also came in their vehicle. In the meantime, a young boy, who was carrying a bag, sat with the three boys who were having beer. At about 10:15 p.m. when Mukesh Kumar, Jai Parkash and Param started walking towards their vehicle, the four young



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boys who had been sitting and had been having beer started firing at Mukesh Kumar and Jai Parkash with pistols. The complainant and others saved themselves by hiding behind a wall. The assailants, after firing, fled away from the spot on their motorcycles. Mukesh Kumar and Jai Parkash who were injured were taken to hospital where they were declared dead. The complainant's suspected that it was due to enmity on account of liquor vends that Dinesh Kumar, Ved Parkash @ RDX and Sunny had got Jai Parkash and Mukesh Kumar murdered through professional killers.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that the falsity would be evident from the fact that a large number of PWs including the complainant and the eye-witnesses, who have been examined, had resiled from their statements. Learned counsel for the petitioner submits that the petitioner has been behind bars for a substantial period of 3 years and 9 months and since a large number of PWs have been cited, his further detention would not be justified. It has further been submitted that the petitioner also deserves the concession of bail on grounds of parity inasmuch as other identically situated co-accused namely Rahul @ Mini Petrol and Sanjay Kumar @ Totiya have already been granted regular bail.
4. Opposing the petition, learned State counsel submits that since the petitioner is a dreaded criminal and a member of a notorious gang, his release would not be in the interest of justice and it will certainly be not to safe to release him on bail at this stage. Learned State counsel has, however, informed that as on date only 11 PWs out of cited 62 PWs have been examined.



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5. This Court has considered the rival submissions addressed before this Court.
6. It is no doubt correct that very serious allegations have been levelled against the petitioner. At the same time, this Court also finds that a large number of PWs including complainant-Vijay and eye-witnesses have already resiled from their statements. Learned counsel, in this context, has drawn the attention of this Court to the testimonies of PW-2 – Vijay Kumar S/o Suraj Bhan, PW-4 – Vijay Kumar S/o Sohan Lal, PW-5 – Pawan Kumar, PW-6 – Virender, PW-7 - Sudhir, PW-9 – Aman Kumar, PW-10 - Rajat and PW-11 – Vinod Kumar annexed with the application, which would indicate that the said PWs have indeed not supported the case of prosecution. The petitioner has been behind bars for a substantial period of 3 years and 9 months. Conclusion of trial is likely to take time inasmuch as only 11 PWs out cited 62 PWs have been examined so far. Other identically situated co-accused namely Rahul @ Mini Petrol and Sanjay Kumar @ Totiya have already been granted regular bail. Under these circumstances, further detention of the petitioner would not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.5.2024
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(Gurvinder Singh Gill)
Judge

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