

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-55419-2023
Date of Decision:24.04.2024

Rinku
Vs.
State of Haryana & another

.....Petitioner

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

None for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 06.11.2023, following order was passed by this Court:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.137 dated 14.03.2023 registered under Sections 147, 149, 201, 304, 323, 341 of the IPC registered at Police Station Kheripul, District Faridabad.

Allegations are that one Vishwajeet along with Arif (since deceased) went to commit theft. One old man noticed them who raised alarm. Crowd gathered and thrashed Arif, resulting in his death. Later on, brother of Arif made a complaint, involving the petitioner and others, alleging that his brother was murdered.

It is contended by learned counsel for the petitioner that no role is attributed to the petitioner; that complainant of the case was not present at the time of occurrence; that there is no evidence that petitioner was present in the crowd who thrashed the deceased; that nothing came out against the petitioner in the enquiry conducted by the police.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Adjourned to 28.11.2023 for filing status report.”

After filing of the status report on 29.01.2024, following order was passed by this Court:

“Status report by way of an affidavit dated 24.11.2023 of Shri Rajeev Kumar, HPS, Assistant Commissioner of Police, Central Faridabad has already been filed on behalf of respondent- State, as per which during investigation a pen drive containing the video footage was produced by the complainant, which revealed that petitioner Rinku was seen sitting, binding the feet of the deceased Aarif with rope.

Learned counsel for the petitioner submits that the said allegation is absolutely wrong and that he is also having the CCTV footage of the occurrence.

Learned State counsel is ready with the pen drive and the IO. However, he seeks time to call the complainant of the case so that he can identify the person visible in the CCTV footage.

At the oral request of learned State counsel, let complainant of the case be also impleaded as party to the petition by impleading him as respondent No.2.

Amended title be filed.

Notice to newly impleaded respondent No.2- complainant be also issued and IO is also directed to produce him on next date of hearing along with the CCTV footage as referred in the reply.

Adjourned to 06.03.2024.

Interim order to continue.”

On the last date of hearing i.e. 06.03.2024, following order was passed by this Court:

“Power of attorney on behalf of complainant has been filed.

In compliance of the order dated 29.01.2024, Investigating Officer of the case along with complainant Guddu is present in person.

The CCTV footage has been played by learned State counsel on the mobile phone in which it can be seen that a person is holding the feet of the deceased. However, the face of that person is not visible.

As per the case of the respondent- State it is the petitioner Rinku who is holding the bound feet of the deceased.

Learned State counsel concedes that complainant Guddu is not the eye-witness.

Learned counsel for the complainant seeks time so as to file reply.

Adjourned to 24.04.2024.

Interim order to continue.”

Today learned State counsel concedes the fact that position is the same inasmuch as nobody is visible in the CCTV footage. Complainant Guddu is admittedly not the eye-witness of the case.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, present petition is hereby accepted.

In case of arrest, the petitioner shall be released on bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

In case petitioner does not join the investigation or does not co-operate, the State will be at liberty to approach this Court for cancellation of bail.

Disposed of.

April 24, 2024

(DEEPAK GUPTA)
JUDGE

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No