

2024:PHHC:006651

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-57875-2023
Date of decision: 18.01.2024

RAVI

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chahit Bansal, Advocate for
Mr. Pradhuman Garg, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case bearing FIR No. 447 dated 27.06.2022 (Annexure P-1) registered under Sections 302, 34 of Indian Penal Code and Section 25 of Arms Act at Police Station Rohtak City, District Rohtak.

2. The present case was registered on the complaint of complainant Karan Singh son of Kissan, alleging therein that on receipt on an information that his son Deepak had received knife injuries and is admitted in the Civil Hospital for treatment, he reached at Civil Hospital, Rohtak, where he found his son dead. He stated that at that time Shubham was present in hospital where Shubham told him that at about 06:30 p.m., he and Deepak were going for walk and when they reached near the turn of Gaukaran road, then Aman Sangwan alongwith his friend came and told that they will teach him a lesson for fighting with him two days back. Thereafter, Aman and his friend gave multiple injuries to Deepak on his person with knife and ran away.

On the basis of aforesaid statement, present complaint was registered. Investigation was carried out. During investigation, site plan of the place of occurrence was prepared. Blood stained earth was taken from the place of occurrence. On 27.06.2022 postmortem of dead body of Deepak was got conducted. Doctors had handed over the parcel which was taken into police possession. On 28.06.2022, accused/petitioner alongwith co-accused Aman were arrested. Their disclosure statements were recorded. In pursuance thereof, they got recovered knives and shirt wearing at the time of commission of offence. They have also got demarcated the place of occurrence. CCTV footage of place of occurrence was also taken into police possession. After completion of all the formalities of the investigation, report under Section 173 Cr.P.C. was presented before the Court and thereafter, case was committed to the Court of Sessions.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is not named in the FIR. There is no evidence available against the petitioner and no role has been assigned to him. Even his presence cannot be ascertained at the place of occurrence and the CCTV footage of the place of occurrence is in possession of the Police.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the weapon used in the occurrence, which is knife, has been recovered from the possession of the petitioner and material witnesses are yet to be examined and in case the petitioner is enlarged on bail, there is possibility that he would influence them and as per the allegations, the petitioner along with the co-accused have inflicted multiple injuries upon the deceased-son of the

complainant, who was 16 years of age and no ground for releasing the petitioner on regular bail is made out.

5. Having heard the learned counsel for the parties and after perusing the record and in view the gravity of offences alleged to have been committed by the petitioner, this Court finds no ground for granting the concession of regular bail to the petitioner.

6. Hence, the present petition is hereby dismissed.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

18.01.2024

Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No