

2025:PHHC:051459



239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26156-2024
Date of Decision: 22.04.2025

Rinku Ram ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Aarti Sharma, Advocate and
Mr. Jitender Ranga, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.366 dated 02.10.2022 under Sections 302/34/201/120-B of IPC, 1860, registered at Police Station Barauda, District Sonipat.

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of the complainant Vinod Kumar son of Surajmal. It was alleged that his nephew namely Umesh (deceased) was doing the job of a teacher in DBM Private School, village Madina. On 01.10.2022, he went to school on his scooty bearing registration No.HR-11K-5090. However, he did not come back in the evening. His wife called on his mobile phone, upon which he told that he would return back house after some time. However, he did not return. His wife called again on his mobile phone and some unknown person attended the phone call, who informed that this person is lying under

railway bridge, village Thaska. They reached at that place and saw the dead body of Umesh (deceased). His scooty and mobile phone could not be found. It was alleged by the complainant that his nephew Umesh had been murdered by some unknown persons. Request was made to take legal action against the culprits. On registration of the FIR, the investigation was commenced. During the investigation, co-accused Gurbhej Singh was arrested, who made a disclosure statement about the complicity of the present petitioner namely Rinku Ram. The petitioner was arrested on 26.10.2022. The petitioner approached the Court of learned Additional Sessions Judge, Sonapat praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 16.10.2023. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that case of the prosecution is totally based on the circumstantial evidence and there is no direct evidence against the petitioner to connect him to the alleged offence. She submits that case projected by the prosecution is that wife of the deceased had illicit relations with co-accused Gurbhej Singh. It is submitted that from the case of the prosecution, motive if at all, was with the wife of the deceased and co-accused Gurbhej Singh and the petitioner, thus, had no motive also for his alleged complicity in the present case. It is submitted that recoveries as alleged effected from the petitioner are totally planted on him after his arrest. She submits that the petitioner is behind bars from the last about 2½ years, however, there is no progress in the trial. It is submitted that the petitioner has no criminal antecedents. To buttress her

arguments, she submits that wife of the deceased, who had allegedly illicit relations with the co-accused, has already been granted bail by this Court vide order dated 24.04.2024 passed in CRM-M-1003-2024. She, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Status report dated 21.01.2025 has been filed by the State by way of affidavit of Mr. Rishi Kant, HPS, Assistant Commissioner of Police, Gohana, District Sonapat, which is taken on record. Copy of the same has been supplied to the counsel for the petitioner.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the status report filed. He has submitted that during the investigation, complicity of the petitioner was found on the disclosure statement of co-accused and thus, he was arrested on 26.10.2022. He submits that the co-accused made a disclosure statement about the role of the petitioner and demarcated the place of occurrence and got recovered the scooty which belonged to the deceased. It is submitted that the petitioner had played an active role in committing murder of Umesh in conspiracy with the co-accused. He submits that out of total 27 prosecution witnesses, 11 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the circumstantial evidence. Complicity of the petitioner has been alleged on the basis of the disclosure statement of co-accused Gurbhej Singh. Recovery of scooty has been said to be made at the behest of the petitioner. The custody certificate would reflect that the petitioner has suffered incarceration of 02 year, 05

months & 26 days as on 21.04.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 27 prosecution witnesses, 11 witnesses have been examined.

7. The veracity of the allegations and counter allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, 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.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.04.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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