



CRM-M-46142-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-46142-2024

Date of decision: 19th February, 2025

Ritik @ Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aseem Aggarwal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail as filed by the petitioner in case arising out of FIR No. 85 dated 22.03.2021 registered under Sections 302, 365, 379-B read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Farrukhnagar, Gurugram. His previous petition bearing CRM-M-32405-2024 had been dismissed as withdrawn, vide order dated 15.07.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Mohan @ Baba, alleging therein that he was running a hotel at Farrukhnagar, bypass area. On the night of 21.03.2021 at around 8:00 PM, accused Ravi came to his hotel along with 4-5 persons, unknown to him. By showing a gun, they made him sit in his



Scorpio vehicle. They were armed with weapons and told him to find out Mahesh son of Bhawar resident of Village Khera, Jhanjrola. When they reached near Farrukhnagar Pond, Ravinder @ Binder, brother of Mahesh and one Amit @ Dhila met them, who too were forced by the accused to sit in the vehicle. The accused Ravi and his companions kept on making search for Mahesh, but he could not be found. Then they took the complainant, Ravinder and Amit to some deserted place and started assaulting them to extract information about whereabouts of Mahesh. In the meanwhile, the petitioner also reached there, but immediately thereafter, the complainant somehow managed to flee. On the basis of his statement, the police official accompanied by the complainant left for making search for Ravinder and Amit and at about 6:00 AM, information was received regarding dead body of Ravinder lying on the road. He had sustained firearm injuries. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of dead body and inquest proceedings were conducted. Offence under Section 365 of IPC was dropped of and offence under Section 364 of IPC was added later on. The petitioner was joined into investigation on 27.03.2021. He suffered disclosure statement admitting his involvement in the murder of the victim by firing shots with pistol upon him. He also demarcated the place of occurrence and got recovered a country made pistol and empty cartridges in pursuance thereof. The co-accused Vikrant @ Mukesh, Shubham @ Shiva, Ankesh were also arrested. Challan qua the petitioner and the above named co-accused has been presented before the learned trial Court and they are facing trial for commission of aforementioned offences.



3. It is argued by his counsel that he has been falsely implicated in this case. There is no direct incriminating evidence against him. The disclosure statement allegedly suffered by him cannot be considered to be admissible in evidence. Even in the FIR, no specific overt act had been attributed to him. The complainant has not supported the prosecution version in his sworn deposition recorded before the Court. He is in custody since 27.03.2021. Forty-five prosecution witnesses are yet to be examined. A false recovery has been planted upon him. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana, that there are serious allegations against the petitioner. The co-accused had abducted the complainant, victim-Ravinder and Amit @ Dhila. The victim had been assaulted by the petitioner and the co-accused and as per his own disclosure statement, he had fired shot with pistol upon the victim thereby causing his homicidal death. Eye-witness Amit is yet to be examined. The allegations against the petitioner are serious in nature. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is alleged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have committed the murder of the victim Ravinder @ Binder, as on the night of 21.03.2021. The petitioner has placed on record Annexure P-4, copy of



sworn deposition of the complainant i.e. PW-4 Mohan and a perusal of the same reveals that though this witness supported the prosecution version with regard to the abduction of victim Ravinder @ Binder, Amit as well as himself on the fateful day but he stated that some unknown youths had abducted them and did not implicate the petitioner and the co-accused as the abductors of the victim-Ravinder @ Binder as well as himself. He might not have supported the prosecution person. However, another material eye-witness namely Amit @ Dhillia is yet to be examined. Simply because of the fact that the complainant has turned hostile, the petitioner does not deserve to claim as a matter of right that he has become entitled for bail. Keeping in view the grave nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*