

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55950-2024
Reserved on: 09.01.2025
Pronounced on: 23.01.2025

Ravinder ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Khushwant Saharan, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
508	21.08.2018	Civil Lines, Hisar	307, 34, 120-B IPC (Section 302 IPC added later on) and 25-54-59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 18 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	124/2021	-	302, 379-B, 332, 353, 148, 149, 120-B IPC and 45 of Prison Act	City Sonipat
2.	442/2018	-	307, 332, 353, 402, 420, 467, 468, 471, 412 IPC	Murthal, Sonipat
3.	699/2018	-	120-B, 395, 397 IPC	Rohtak
4.	690/2018	-	307, 323, 148, 149, 120-B IPC	Sampla Rohtak
5.	854/2017	-	307, 34 IPC	City Hisar
6.	32/2018	-	174-A IPC	HTM Hisar

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“3. That briefly stated facts of the case are that in the present case FIR was registered on the statement of Complainant Vikas (brother of deceased Vinay) who in his statement stated that, I am resident of the above said address and I work in property

business. We are two brothers my younger brother who lives with his children on rental house No.1337 C in Sector 16-17. He has two children, one son and one daughter his son Rajat is 5 years of age and his daughter Shruti is 8 years of age and who studies in Saint Kabir School, Hisar. Today on 21.08.2018 at around 10:30 A.M. I came in my car HR-20AD-8045 Ritz to my brother's house in Sector 16/17 to take money from my brother. My brother's wife Annu told me that your brother has gone to Saint Kabir School to give food to the children. I was going from my brother's House towards the Saint Kabir School on the main road of Sector 16/17, when I reached near house number 100, towards sector 13 part 2 the first turn from the road going to Sector 13, I saw my brother coming from the front on his motorcycle I slowed down the car and signaled my brother to stop so my brother slowed down his bike and two boys coming behind him on a bike shot my brother in head with the pistol with intention of killing him in front of my eyes. My brother fell on the side of the road along with the bike. When I saw the boy sitting behind the motorcycle, I saw that he was Ravinder @ Golu (Petitione/accused) son of Raghbir, caste Pandit resident of street No.8, Surya Nagar Hisar. I do not know the rider of the said vehicle but I can identify him if presented in front of me. I got alighted from the car and took care of my brother and admitted him to sector 16-17 Medi-City Hospital, Hisar for treatment. Ravinder Golu (Petitioner/accused) and his friend fled away on their motorcycle with pistol towards Sector 13. The reason behind the occurrence is enmity. There is an old enmity with Jaivir Pangal R/o Shiv Colony Hisar regarding the Liquor contract for the last 2 years. There has been many arguments between them. Jaivir Pangal who had stated that he will finish my brother, he had made a plan and have sent Ravinder @ Golu and another boy in order to kill my brother, have got my brother shot. Legal action should be taken against them.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Counsel for the petitioner submits that the FIR is concocted and unbelievable. Petitioner has been in custody for more than 06 years. Only 16 prosecution witnesses have been examined and there are contradictions in the statements of wife of the deceased and brother of the deceased. Petitioner is entitled to bail on judicial precedent of Hon'ble Supreme Court in **Prabhakar Tewari vs State of UP and another, 2020(1) RCR (Criminal) 831.**

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“21. That the petitioner/accused is specifically named in FIR

and is the one who shot the deceased, due to which he expired during treatment. That pistol used in occurrence of offence is recovered from accused Amit @ Mota in case FIR No.442 dated 08.11.2018, under section 399, 401, 307, 332, 353 of IPC and Section 25 of Arms Act, P.S. Murthal accordingly case property from case FIR No.442/18 has been transferred in the present case.”

8. An analysis of the arguments and counter arguments would lead to the following outcome. Petitioner was explicitly named by the brother of the deceased who is an eye witness. In addition to that, there was motive to do the crime. Petitioner's criminal history also corroborates and points towards the petitioner's criminal mind set and in case petitioner is released on bail, there is likelihood that he will repeat the crime. Regarding the other prayers, it is subject matter of trial. The judicial precedents of Prabhakar Tewari's case (supra) does not apply to the facts of the present case for the reason that facts are entirely different from the facts of that case.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of more than 06 years cannot be termed prolonged, given the minimum sentence prescribed for the offense is Death or Life.

11. Regarding the delay in the trial, if the trial does not conclude within seven years of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

23.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.