

Date of decision: 28.03.2025

RINKU KOHAND

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

2. CRM-M-5226-2025

NIKKU @ TINKU

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neeru Bansal, Advocate with
Ms. Chahat, Advocate for the petitioner.
(in CRM-M-58840-2024)

Mr. Pankaj Bali, Advocate for the petitioner.
(in CRM-M-5226-2025)

Mr. Vikas Bhardwaj, AAG, Harvana.

Mr. Yashwant Singh Rathore, Advocate assisted by
Ms. Sudha Singh, Advocate and
Mr. Yuvraj Singh Rathore, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned petitions as both are arising from the same FIR. For the sake of brevity, facts are borrowed from ***CRM-M-58840-2024*** titled as ***Rinku Kohand vs. State of Haryana.***

2. These are the third petitions filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioners in case bearing FIR No.158 dated 02.05.2021 registered under Sections 148/149/323/506/120-B of IPC (Sections 302/307/325 of IPC added later on) at Police Station Madhuban,



District Karnal. The second petition filed by petitioner-Rinku Kohand was dismissed as withdrawn on 08.11.2023 and filed by petitioner-Nikku @ Tinku was dismissed as withdrawn on 24.10.2024.

3. Brief facts of the present case are that on 01.05.2021, a telephonic information was received in the police station from Kalpana Chawla Government Medical College, Karnal regarding admission of injured Narender and Prem Singh after receiving injuries in a scuffle. Upon this information, E/SI Balbir Singh along with another police official reached in the hospital, but injured persons were declared unfit for making their statement. On 02.05.2021, ESI Balbir Singh again reached in the hospital and Narender Kumar got recorded his statement to the effect that on 30.04.2021, he was sitting near *gugamaadi* in the village. One Scorpio came and stopped near him and 7-8 persons armed with rods and *bindas*, alighted from the vehicle. Rinku @ Goli and Hardeep caught hold him and accused Naresh, Dodhi, Bhukar gave *binda* and rod blows on his legs and arms. He further alleged that Rinku resident of Gharaunda also inflicted injuries to him with bricks. Shishan and Shubhan also inflicted injuries to him with *bindas*. He raised an alarm and on hearing his noise, his brother Prem and his father Singhu Ram came there. All the above persons also inflicted injuries to them with rods and *bindas* as Shubham son of Shishan used to eve-tease his niece (daughter of his sister). Due to this enmity, all the above named persons inflicted serious/grievous injuries to them. While leaving the spot, all the assailants threatened them to kill in future. Hence, the FIR (*supra*) was registered.

4. Learned counsel for petitioner- Rinku Kohand *inter alia* contends that the petitioner has been nominated as accused, on the basis of disclosure



statement made by co-accused Shubham, while being in police custody, which has no evidentiary value in the eyes of law. She submits that similarly situated co-accused, namely, Sunil and Shunti have been granted the concession of regular bail by this Court vide orders dated 24.10.2024 passed in **CRM-M-34664 of 2024** and 11.07.2024 passed in **CRM-M-31619 of 2024** respectively. She further submits that the petitioner is entitled to bail in view of the delay in conclusion of the trial as till date, out of 38 witness cited by the prosecution, only 02 have been examined.

5. Learned counsel for petitioner-Nikku @ Tinku *inter alia* contends that the petitioner is behind the bars since 06.06.2021 and he is not named in the FIR (*supra*). The petitioner has been nominated as accused, on the basis of disclosure statement made by co-accused Shubham, while being in police custody, which has no evidentiary value in the eyes of law. He submits that all the injuries were on non-vital parts of the body and the incident has occurred during the Covid-19 pandemic, therefore, the deceased could not be treated properly and succumbed to the injuries. Furthermore, necessary ingredients of *mens rea* and culpable intention are clearly missing.

6. Learned State counsel produces the custody certificates of the petitioners, which are taken on record. *Per contra*, he assisted by learned counsel for the complainant, opposes the prayer made by the petitioners on the ground that petitioner-Nikku @ Tinku is the main conspirator and on an earlier occasion, prior to the FIR (*supra*), his nephew was eve-teasing the niece of the deceased, due to which, a case was filed by the deceased, against his nephew-Shubham and he was convicted by learned trial Court under the



provisions of POCSO Act. Due to the said grudge, the petitioner gathered other accused collectively and launched an attack, in determined manner, in which, one person had died and two persons received serious injuries. Furthermore, petitioner-Nikku @ Tinku has been changing his names by putting *aliases* on different times. Even in the earlier petition filed by him, *alias* was different than the one in the present petition. He submits that the vehicle used in the commission of offence was recovered at the instance of petitioner- Nikku @ Tinku and he has been specifically named in the FIR (*supra*). He further submits that the petitioner-Nikku @ Tinku was impressing upon the deceased to not to pursue the case against his nephew under the provisions of POCSO Act. Even he has offered money, which has already been established during investigation. In the present case, the deceased suffered multiple fractures along with the amputation of his both legs and all the injuries prior to his death, were declared dangerous to life individually. Furthermore, the injuries suffered by injured witness, namely, Prem have been declared dangerous to life. He still further submits that delay in conclusion of the trial cannot be attributed to the prosecution as charges were framed on 03.08.2024 and proceedings were stayed by this Court in a petition filed by two co-accused, who have been summoned as additional accused under Section 319 Cr.P.C. and petitioner-Nikku @ Tinku is a habitual offender as he is involved in 10 more cases. Further, eye-witness has already appeared and his examination-in-chief has already been completed and trial is being delayed on account of requests made by different accused, on one pretext or the other. He submits that petitioner-Rinku Kohand has also been specifically named in the FIR (*supra*) and is alleged to have given injuries with brick bat. Petitioner-



Rinku Kohand is facing trial in 05 more cases and is convicted in 01 case. Further, there is every apprehension that the petitioners will try to influence the prosecution witnesses, as the petitioner-Nikku @ Tinku has tried to influence the witnesses in the case of his nephew-Shubham, who was facing trial under the POCSO Act, if they are given the relief of regular bail by this Court.

7. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments advanced by learned counsel(s) for the petitioners. Without commenting on the merits of the present case and keeping in view the role of the petitioners and serious allegations levelled, both the petitions stand dismissed, being bereft of any merit.

8. However, keeping in view the fact that the FIR (*supra*) was registered on 02.05.2021, Senior Superintendent of Police, Karnal is directed to take appropriate steps to ensure the presence of prosecution witnesses, before the learned trial Court and the learned trial Court is directed to conclude the trial expeditiously, preferably within a period of 06 months.

9. 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.

10. A photocopy of this order be placed on the file of other connected case.

March 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No