

2025:PHHC:019607



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

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CRM M-61058 of 2024

Date of Decision:06.02.2025

Kuldeep Saini @ Kuldeep @ Bhola ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. G.K. Mann, Senior Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate and
Mr. Adeep Sharma, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0136 dated 04.03.2023 registered under Sections 302, 148 and 149 IPC (Later on Sections 148 and 149 of IPC deleted and Section 34 of IPC added) at Police Station City Hansi, District Hansi.

2. The three petitions filed by the petitioner for grant of concession of bail were withdrawn from this Court on 19.09.2023, 29.02.2024 and 08.08.2024. Now, the fourth petition has been filed within a period of about 03 months, without any substantial change of circumstances in the present case.

3. The FIR in the present case was registered on the basis of the statement made by Madan Lal and the same has been reproduced below:-

“Statement of Madan Lal s/o Balbir Singh caste Yadav resident of Badsli Gujran, age 46 years, Mobile No. 82386-16557 stated that I am resident of above address and after retiring from Army have been working at the High Court Chandigarh. My daughter Reena aged 28 years who is married, and son namely Ravi aged 21 years. My son is studying in BA 1st at Nehru College, Hansi. Today, my son Ravi had gone to college. At around 02:00 p.m., I got a call from my brother's son Kapil S/o Radhy Shyam resident of Badsli Gujran that he had got a call from Lalit s/o Kuldeep caste Gujjar r/o Badsli Gujran that Ravi had got injuries in a brawl at Sisai Pull Dayal Singh Colony, Barwala Road, Hansi. That I (he) and Dharamvir @ Master r/o Dhanipal have taken Ravi for treatment at Mallik Hospital Hansi and because of serious injuries, the doctor has advised to immediately take Ravi to Hisar. That we are taking him to CMC Hospital Hissar. After getting this information, I immediately reached by my car at CMC Hospital Hisar. After getting this information, I immediately reached by my car at CMC Hospital Hisar where the doctor declared Ravi dead. Thereafter, we brought our boy Ravi to Govt. Hospital Hansi and placed the dead body at the hospital. I, at my own, enquired about the persons who injured my son, then I got to know that students studying with Ravi have injured him. I came to know that Naveen s/o Umesh resident of Sainipura, Kuldeep @ Bhola s/o

Sukhbir resident of Virat Nagar, Hansi, Sachin S/o Sanjay resident of Virat Nagar Hansi, Neeraj Gujjar resident of Dhanipal and their 3-4 accomplices have murdered my son with bodkin with which the ice is broken and wooden logs. I have seen the body of Ravi. His body bears injury marks of bodkin and somewhere livid. Strict legal action be taken against them. Got my statement, heard and is correct. Sd/- Madan Lal, attested Rajesh ASI I/C PP Sisai Pull Hansi, dated 04.03.2023.”

4. Learned senior counsel appearing for the petitioner has vehemently argued that the petitioner has been falsely involved in the present case on the basis of the statement made by Madan Lal, who admittedly was not an eye witness to the occurrence. Even during the course of investigation, the police could not collect any evidence against him. As per the FIR, the complainant learnt at CMC Hospital that his son had been declared dead by the doctor and on inquiry, he came to know that his college mates Naveen @ Fauji, Kuldeep @ Bhola, Sachin, Neeraj Gujjar and 3/4 other unknown persons had beaten him to death with an ice pick and wooden sticks. As per the case of the prosecution, the petitioner alongwith Naveen @ Fauji had caught hold of the deceased Ravi and the injuries were caused to him by other accused with an ice pick and *danda*. During the course of trial, the statement of PW5 Madan Lal was recorded, however, he had not identified the accused in the Court. Similarly, two witnesses, namely, PW2 Sachin and PW3 Lalit failed to support the case of the

prosecution and were declared hostile. Thus, the only evidence against the present petitioner was the disclosure statement suffered by the co-accused and the material witnesses had turned hostile, rendering the prosecution case unreliable. Further, the petitioner was arrested in the present case on 05.03.2023 and only 05 witnesses out of total 20 prosecution witnesses have been examined so far. Thus, the petitioner deserves to be enlarged on regular bail.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner has filed successive bail applications, without change of circumstances and the petition is not maintainable before this court. The petitioner has filed three petitions earlier and when the Court was not inclined to grant the bail, the bail petitions were withdrawn. The last petition was withdrawn on 08.08.2024 and the present petition has been filed within a period of 03 months thereafter. Still further, it is also apparent from the record that the petitioner and Naveen @ Fauji had caught hold of the hands of Ravi, since deceased and Sachin gave ice pick blows in the stomach of Ravi. The accused also gave *lathi* blows to Ravi and it is a case of brutal murder of a young boy by the petitioner and his accomplices.

6. I have heard learned counsel for the parties and perused the record.

7. It is apparent from the statement of PW5 Madan Lal, complainant that he has specifically named the present petitioner and assigned a specific role to him. He clearly stated that the petitioner and Naveen @ Fauji caught the hands of his son Ravi and Sachin gave ice pick blows in the stomach of his son Ravi. The witnesses have clearly stated that his son was attacked with an ice pick and *lathi* and was killed in an inhuman and barbaric manner. The evidentiary value of the statements of the witnesses is a subject matter of trial before the trial Court and this Court while deciding the bail applications, is not in a position to comment on that. However, at this stage, this Court has no hesitation to hold that there are serious allegations against the petitioner and keeping in view the gravity of the offence, the petitioner is not entitled to the concession of regular bail. Moreover, the three bail applications filed by the petitioner have already been withdrawn by him and fourth bail application has been filed by him for the same relief, without the change of circumstances and it is totally misconceived.

8. Dismissed.

06.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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