

Ravinder Pal Singh Vs. State

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Court : Delhi

Decided On : Jan-29-1986

Reported in : 1986(2)Crimes183; 1986(10)DRJ300

Judge : G.R. Luthra, J.

Acts : Explosive Substance Act; [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 173

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 100 of 1986

Appellant : Ravinder Pal Singh

Respondent : State

Advocate for Pet/Ap. : M.S. Butalia and; R.P. Lao, Advs

Judgement :

G.R. Luthra, J.

(1) By way of this order two petitions--one of Ravinder Pal Singh which is Cri. Misc (M) 100/86 and the other of Amrik Singh which is Crl Misc. (M) 101/86 are being decided. Both of them had applied to the Court of Sessions for grant of bail. The application of Amrik Singh was rejected on November 1, 1985 by Shri S.R. Goel.Addl. Sessions Judge. Delhi. A copy of order of Shri S.R, Goel has been placed on record of the petition filed by Amrik Singh. The application of Ravinder

Pal Singh was rejected on 8th January 1986 by another Addl. Sessions Judge and copy of the order of learned Addl. Sessions Judge has been placed on record of the petition of the Ravinder Pal Singh.

(2) Both the petitioners were involved in conspiracy to place transistor bombs and thereby committing murders and actually murders took place on account of blast of transistor bombs. They are also involved in the commission of offences punishable under the provisions of Explosive Substance Act.

(3) It may be recalled that there were bomb blasts on 10th May 1985 and the allegation of the prosecution is that the petitioners had placed transistor bombs in a train which ultimately resulted in the killing of two persons and injuries to others on 10th May 1985 itself.

(4) The version of the prosecution, briefly is as follows. On 10th May 1985 the petitioners boarded a passenger train which left Delhi and was bound for Aligarh in Uttar Pradesh. The petitioners boarded that train from Delhi. When the train reached Shahdara, the petitioners placed one transistor bomb on a luggage rack and another transistor bomb in thela on a seat in the same compartment. Then they got down from the said train on the pretext that they were going for taking water. However they never returned. The train started and at about 7 20 p.m. it reached Sahibabad a place in Uttar Pradesh One Zamir Ahmed, father-in-law of Ahmed Khan, took one of the transistors which contained bomb and tried to play it. The transistor bomb exploded with the result that Zamir Ahmed died. There were injuries to one minor girl also. The train then left and reached Aligarh where it had to be cleaned. One sweeper employed with the railways and having the name Bachchu Singh picked up the thela containing the transistor bomb and tried to play it. The same exploded and Bachchu Singh also died.

(5) The prosecution has examined under Section 161 Cr. P.C. five witnesses, namely, Sadiq, Prem Nath, Sukhbir Singh, Vinod Kumar and Lalman. They supported the prosecution version Counsel for the petitioner, however, contended that their versions contradicted each other and therefore none of them can be believed. He urges that on that ground alone, the bail should be granted to the petitioners.

(6) However, I do not agree with the learned counsel for the petitioner. The statements of those witnesses will have to be recorded in court, crossexamination will be done and it will be at the final conclusion that reliability or otherwise of those statements will have to be seen. I do not wish to give my opinion lest it may prejudice the prosecution or the accused. At this stage what I can say is that it is not possible to disbelieve those witnesses. This observation is only for deciding this application and will not prejudice the trial.

(7) The learned counsel for the petitioner also pointed out that in the report under Section 173 Cr. P.C. the prosecution relied upon two instance and in two different compartments while now the prosecution is relying upon only the alleged placing of bomb in one compartment and that itself therefore smashes the case of the prosecution on which ground alone the petitioners should be granted bail. The counsel for the State explained that these petitioners were interrogated by the police and their interrogation showed that they had placed transistor bombs in two different compartments which was contrary to the prosecution case and that it appeared that that interrogation part has got mixed up.

(8) In fact this is a matter which is to be gone into by the court itself. The decision of the trial court will depend upon the evidence produced before it, and at this stage it cannot be said that any dent is made in the case of the prosecution.

(9) Learned counsel for the petitioner further urges that the counsel for the State should be called upon to tell as to which part of the challan is on the basis of evidence and which is on the basis of the alleged interrogation of the petitioners. However, in my opinion the report under Section 173 Cr. P.C. is not of much importance and the decision of the trial court is to be done on the basis of the evidence before it. I am concerned more with the evidence recorded under Section 161 Cr. P.C. at this stage. therefore, under these circumstances I do not find any necessity for me to get any clarification on that point.

(10) Learned counsel also urged that the examination of the explosives was not done by an authority authorised to do so under the Explosive Substance Act. This is also a matter to be gone into by the trial court and it will be that court which will see the effect of the same At this stage no opinion can be formed.

(11) Learned counsel for the petitioner urged that Tarjeet Singh coaccused was granted bail vide order dated December 13, 1985 of Charanjit Talwar, J. in CrI. Misc. (M) 1404/85 and another co-accused Avtar Singh was also granted bail vide order dated November 29, 1985 of Charanjit Talwar, J. in CrI. Misc. (M) 1361/85, and that the petitioners be also granted bail. However, the role of Tarjeet Singh and Avtar Singh was absolutely different in respect of placing of transistor bombs in buses and was based on different evidence. Hence their case is not parallel to that of the petitioners so as to entitle the petitioners to earn grant of bail.

(12) Having regard to all the circumstances and even the possibility of absconding of the petitioners if released on bail, I dismiss both the petitions.

(13) Criminal Mile. (Main) 100 and 101 of 1986 stand disposed of.

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