

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

**CRM-M No.45670 of 2019
Date of Decision:-01.11.2019**

Anil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rajender Kumar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Anil has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 46 dated 22.3.2019, under Sections 147, 148, 149, 323, 324, 342, 364, 365, 302, 506 and 201 IPC and Section 25/27/54/59 of Arms Act, registered at Police Station Pillukhera, District Jind.

The FIR was registered on the statement of complainant Ajay, wherein it was alleged that they were four brothers and sisters and his elder sister Sudesh was married and rest were unmarried. On 21.3.2019 at about 5.45 p.m. he alongwith his neighbour Manjit went to Peer Baba situated at Gangoli road near Gurukul for prayers. When they were returning, the accused persons, in three cars, namely Jitender, Badal, Bijender, Deepak,

Dharmender, Ravinder @ Marinda alongwith 6-7 other persons came and caught hold the complainant. Thereafter accused Bijender, who was armed with gandasa, gave its blow on the back of complainant twice and thereafter accused Badal hit him with gandasa on his left leg, due to which complainant fell down. Then accused Deepak hit him with gandasa on his right leg. On seeing the occurrence, Manjit, who was accompanying the complainant, got scared and ran away from the spot. Thereafter, accused persons took the complainant in their car to the crusher plant in their fields. Upon reaching there, they again gave beatings to the complainant with fist and kick blows and with danda. Then the accused persons ran away from the spot. While searching, the family members of the complainant came to the fields of accused Badal, where they found the complainant and got him admitted in the hospital. Thereafter, father of complainant, namely, Dharampal @ Pala alongwith Manjit and Ramesh went to accused Badal's house to inquire the incident. There also the accused persons gave beatings to them and accused Badal by showing pistol threatened Ramesh that they will kill him. The motive behind the incident was three years old previous enmity. The accused persons had taken away Dharampal @ Pala alongwith them. It was during interrogation, accused Bijender had suffered disclosure statement that he alongwith his co-accused had kidnapped Dharampal @ Pala and murdered him and with an intention to destroy his dead body, put the same in the tank of boiling *Tarcol*.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in

the FIR and was indicted only on the basis of disclosure statement of co-accused, which may not be admissible as per Indian Evidence Act. He contends that no role is attributed to the petitioner and he has no motive to cause the death of Dharampal, therefore, custodial interrogation of the petitioner is not required.

On the other hand, learned State counsel, who is assisted by ASI Ram Chander, opposed the prayer on the ground that the petitioner alongwith co-accused had caused injuries to complainant Ajay and the accused persons after kidnapping Dharampal @ Pala acted in a cruel manner and put the dead body of Dharampal in the tank of boiling *Tarcol*, which turned into a skelton. Accused Bijender, Ravinder @ Marinda, Dharmender @ Kala, Deepak, Virender @ Badal and Jitender @ Jangi in their disclosure statements specifically named the petitioner that at the time of commission of offence, the petitioner participated in the crime alongwith them. He has produced the statement of accused Virender @ Badal.

Considering the seriousness of offence and the fact that petitioner was specifically stated to be involved in the crime as per statements of co-accused persons, no ground for extending extraordinary concession of anticipatory bail to the petitioner is made out.

Resultantly, the petition is dismissed.

November 01, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No