

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

**CRM-M-14102-2020(O&M)
Date of Decision: 07.07.2020.**

ANISH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Digvijay Singh Yadav, Advocate
for complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present second petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner-**Anish Kumar** in case F.I.R. No.22 dated 03.02.2020 under Section 302 IPC read with Section 34 IPC (Sections 120-B and 201 IPC added lateron) and registered at Police Station Rampura, District Rewari.

Learned counsel for the petitioner *inter alia* contends that there is inordinate delay of more than 1- 1½ years in getting the FIR registered and that too unexplained one. He further urges that there is nothing on the record to show that it was a homicidal death as no autopsy was conducted on the body of deceased Vicky. He further submits that even otherwise a bare perusal of alleged disclosure statements of co-accused, no nexus can be created to connect the petitioner with the commission of alleged offence. He further submits that alleged call details between petitioner and co-accused Suman do not create any criminal liability as the said alleged call details pertain to much later period to the alleged offence. He further urges that in a given scenario false implication of petitioner is quite evident on the record. He further urges that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency and as such he may be extended concession of pre-arrest bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing instant petition has vehemently argued that name of petitioner cropped in the array of accused on the basis of disclosure statements rendered by co-accused Manoj @ Choti and Suman. He further urges that as petitioner was having extra-marital affair with co-accused Suman and since her (Suman) husband Vicky (since deceased) had developed suspicion over them, which prompted the petitioner to contact co-accused Kuldeep, who had

introduced him to co-accused Manoj @ Choti and as such elimination of said Vicky was planned. He further urges that petitioner had paid ₹1,50,000/- as part payment of deal of murder of Vicky and apart from that petitioner had got arranged a room in a Hotel Sachin, Rewari, for accomplishment of above said illegal designs. He further urges that petitioner alongwith co-accused had conspired and committed murder of Vicky after having him strangled with a *dupatta*. He further submits that keeping in view attributed role of petitioner and seriousness of offence, custodial interrogation of petitioner is necessitated and, thus, he does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully perused the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, allegedly petitioner after having developed extra-marital relations with co-accused Suman conspired with her to eliminate her husband Vicky and then with the assistance of co-accused Kuldeep, hired the services of co-accused Manoj @ Choti to achieve their illegal designs. Allegedly petitioner-accused paid a handsome amount to co-accused Manoj @ Choti and further got arranged shelter for him and, thus, played active role in the elimination of Vicky. In this scenario, custodial interrogation of petitioner is necessitated to unearth the genesis of offence in question.

In view of above, in case concession of pre-arrest bail is

extended to petitioner, it would lead to lawlessness in the society. No extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

07.07.2020

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