

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

CRM-M-19368-2020
Date of decision: 5.8.2020

Dinesh @ Dhanni

.....Petitioner.

vs.

State of Haryana

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Gautam Dutt, Advocate, for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

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Sanjay Kumar, J. (ORAL)

The petitioner seeks anticipatory bail in relation to FIR No. 320 dated 14.8.2019 on the file of Police Station Kherki Daula, District Gurugram, registered under Sections 379, 411 and 486 IPC and Section 25 of the Arms Act, 1959 (Section 120-B IPC and Section 115 IPC r/w Section 302 IPC were added later on).

As per the recitals in the FIR, two individuals, by name, Vikram and Rahul, were apprehended while proceeding on a motor cycle and were found in possession of unlicensed country made pistols and live cartridges. The petitioner was brought into the picture on the strength of the disclosure statements made by some of the accused in the case. The prosecution claims that the petitioner is a member of a notorious criminal gang, named Sube gang.

Sh.Pritpal, Assistant Commissioner of Police, Crime, Gurugram, filed a reply opposing this bail petition. Therein, he stated that others linked to this gang were arrested on the strength of disclosure statements and that their interrogation revealed that the gang had hatched

a conspiracy to commit the murder of one Satish. Details were furnished of the cases registered against each of the gang members. Insofar as the petitioner is concerned, FIR No. 504 dated 2.12.2019 was registered against him on the file of Police Station Kherki Duala, Gurugram, under Sections 323, 427, 452, 506 and 34 IPC and Sections 25, 54 and 59 of the Arms Act. The petitioner is stated to be on bail in that case.

Mr. Deepak Bhardwaj, learned Deputy Advocate General, Haryana, would state upon instructions from ASI Jatinder Singh that the disclosure statements of the co-accused revealed that the petitioner was also involved in the conspiracy. However, it is an admitted fact that no murder took place but surprisingly, Section 302 IPC has also been included. That apart, the co-accused of the petitioner have already been granted regular bail.

As matters stand, there is no specific allegation linking the petitioner with the subject FIR. Inclusion of new provisions in this FIR without proper application of mind, even if it be with the laudable intention of stemming organized crime, would ultimately prove to be counter-productive. The Sessions Court also took note of this aspect while enlarging the co-accused on regular bail. The petitioner would therefore be entitled to protection, subject to conditions.

The petition is accordingly allowed. The petitioner is directed to forthwith join the investigation in FIR No. 320 dated 14.8.2019 on the file of Police Station Kherki Daula, District Gurugram. In the event of his arrest in relation to the said case in future, the petitioner shall be released on bail upon furnishing a personal bond for a sum of Rs. 50,000/- along

Officer/Arresting Officer concerned. In such an event, the petitioner shall also abide by the conditions prescribed in Section 438(2) Cr. P.C.

(SANJAY KUMAR)
JUDGE

5.8.2020
preeti
whether speaking/non speaking yes/no
whether reportable/non reportable yes/no