

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15047-2021 (O&M)
Date of Decision:-3.8.2021

Devender @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Bhardwaj, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Puneet.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.158 dated 18.7.2020 at Police Station Badli, Jhajjar under Sections 302, 120-B and 34 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act.
2. At the time of issuance of notice of motion on 6.4.2021, the following order was passed :

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.158 dated 18.07.2020 at Police Station Badli, Jhajjar, under Sections 302/120-B/34 IPC and Sections 25/54/59 of the Arms Act.

Learned counsel for the petitioner submits that it is a case of blind murder where the younger brother of the complainant was shot dead during night at bus-stand. Upon coming to know about the same, the complainant went to the spot and got his statement recorded, wherein it is alleged that about 2 days earlier, Gajraj, Joginder and Romit as well as two other boys had threatened to kill his brother in his presence and also in the presence of Jaipal, Katare, Om Parkash and Bhup Singh. The complainant further alleged that his brother Sandeep, who is confined in Rohini Jail, had also informed him that one Parvesh Mann had also threatened to kill the deceased.

Learned counsel for the petitioner has further submitted that subsequently on 25.09.2020, the complainant named another set of persons/accused namely Anil and Ravi. Learned counsel has further submitted that as per the case of the prosecution the aforesaid Anil and Ravi were arrested on 26.09.2020 and who suffered separate disclosure statement/s to the effect that Nitin, Devender (petitioner) and Mohit were also involved in the commission of crime. Learned counsel has further submitted that a false FIR has been lodged by the complainant and the falsity of the same would be evident from the fact that initially he had specifically named three persons in the FIR, but subsequently while giving clean chit to the aforesaid three persons, he named another set of two persons and who are alleged to have suffered disclosure statements against petitioner, the admissibility of which would be debatable.

Notice of motion for 03.08.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Puneet, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has

also informed that the petitioner happens to be involved in one more case registered for offence under Indian Penal Code.

4. I have considered rival submissions addressed before this Court.
5. It is a case of blind murder, wherein the complainant initially named one set of 3 persons to be accused but subsequently while giving clean-chit to the said persons, he has nominated another set of two persons, who are alleged to have suffered disclosure statements. The present case is based on circumstantial evidence and the petitioner being nominated on the basis of disclosure statement, the Courts would certainly require to proceed cautiously particularly when previously another set of 3 persons have been nominated as accused. In any case, since the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is hereby accepted and the interim directions issued by this Court vide order dated 6.4.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

3.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No