

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

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CRM-M-15703-2021 (O&M)

Date of Decision: 25.08.2021

Narinder Kumar Tangri

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Verma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by HC Gurmail Singh.

(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 against him vide FIR No.79 dated 22.07.2016 at Police Station Shaheed Bhagat Singh Nagar (Presently Police Post and under Supervision of Police Station Dugri), Police Commissionerate, District Ludhiana, under Sections 302/120B/34 of the Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.79 dated 22.07.2016 at Police Station Shaheed Bhagat Singh Nagar (Presently Police Post and under Supervision of Police Station Dugri), Police Commissionerate, District Ludhiana, under Sections 302/120B/34 of the Indian Penal Code, as he apprehends his arrest pursuant to acceptance of an application filed by

prosecution under Section 319 Cr.P.C. wherein he has been ordered to be summoned as an accused.

The learned counsel for the petitioner submits that it is a case where a dead body of a girl was found lying near the stairs on the ground floor of a building (Housefed Complex) and thereafter the brother of the deceased upon coming to know about the same lodged the FIR alleging that it is the petitioner and his son, in whose house the deceased had been working, who had committed excesses upon the deceased and had killed her.

Learned counsel has submitted that the matter was investigated by the police and upon investigation it was found that it is not the petitioner but another person namely Manoj Kumar, who was employed for cleaning lifts and who was having some affair with the deceased who had killed the deceased as the deceased was pregnant and was insisting upon said Manoj to solemnize marriage with her. Learned counsel in this regard has drawn the attention of this Court to the relevant extract of the enquiry report dated 04.10.2016, as reproduced in the bail application which reads as follows:-

“...This girl used to come at the house of Narinder Kumar Tangri for doing cleaning work in afternoon after taking time out of her other work and after cleaning their house she used to go back. Apart from this, this Housefed Society had hired Manoj Kumar son of Rajinder Kumar resident of House No.153, Mohalla New, Dashmesh Nagar, Ayali Khurd, Ludhiana for cleaning lifts in the block/portion of flat of Narinder Kumar Tangri. This boy Manoj Kumar and girl Sonam Rani were friends with each other, the fact which is also confirmed by security guard of these flats namely Sukhwinder Singh son of Atma Singh. From enquiry at the spot it is found that Narinder Kumar Tangri is residing in this flat

alongwith his wife and his son Sachin Tangri is having his own business and he reside at Mumbai. About one month ago he came to meet his parents and with regard to his business but on dated 22.07.2016 girl Sonam Rani did not come at the flat of Narinder Kumar Tangri for doing household work, the fact which is also confirmed by witnesses in their statements. Upon secret and open enquiry at the spot it is found that on that day girl Sonam Rani and Manoj Kumar met with each other and Manoj Kumar and girl Sonam Rani quarreled with each other because Sonam Rani had informed Manoj Kumar that she is pregnant with his child and she was also asking Manoj Kumar to marry her. Manoj Kumar has also admitted these facts during his arrest that both of them (Sonam and Manoj Kumar) argued with each other in Flat No.112 Housefed Complex, where painting work was going on, and in a fit of rage Manoj Kumar twisted the arm of Sonam Rani and while screaming she collided against the wall and bleeding started from her nose and lips and she fell on the floor. When she was lying down on the floor Manoj Kumar gave leg blows in her abdomen and when he moved her then she did not give any response and F.S.L. Team had taken blood sample at the spot which was sent to F.S.L. and some long hair of that girl were also recovered from that room which are also sent to F.S.L. Manoj Kumar lifted her dead-body, brought it down through lift and placed at the ground floor”.

Learned counsel for the petitioner has submitted that subsequently after presentation of challan one application was moved by the prosecution on 31.07.2017 under 319 Cr.P.C. but the same was withdrawn and subsequently after about 2 years another application dated 30.01.2019 was

moved under Section 319 CR.P.C. which has been accepted and the petitioner along with his son namely Sachin Tangri have been ordered to be summoned.

Learned counsel has submitted that there is no evidence worth credence to establish the complicity of the petitioner and that on the other hand the evidence collected by the police clearly shows that it is Manoj who is responsible for death of the deceased.

It has further been submitted that in any case since the investigation is already complete and petitioner had been summoned with the aid of Section 319 Cr.P.C., it is not a case where custodial interrogation of the petitioner is required at this stage.

Notice of motion for 25.08.2021.

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3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in fact after detailed enquiries, he was found to be innocent, but subsequently the complainant by way of making several improvements and allegations when he was examined in the Court has been successful in getting him summoned with the aid of Section 319 Cr.P.C. It has further been submitted that the petitioner in any case has joined investigation and that he shall formally surrender before the trial Court and furnish bail bonds to its satisfaction and shall abide by all such conditions as may be imposed by the trial Court.
4. Opposing the petition, learned State counsel has submitted that since serious allegations have been levelled in the FIR pertaining to murder of a young girl, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to

interim directions issued by this Court, the petitioner has since joined investigation.

5. Having regard to the facts and circumstances of the case particularly the fact that the petitioner is summoned with the aid of Section 319 Cr.P.C., it goes without saying that the petitioner will not be required for any kind of custodial interrogation. In these circumstances, the petition merits acceptance and is hereby accepted. The petitioner is directed to surrender before the trial Court within a week from today. Upon surrender of the petitioner before the trial Court, he shall be released on bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.
6. Needless to mention, the trial Court may impose any such condition as deemed appropriate for ensuring regular appearance of the petitioner.

25.08.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**