

**CRM-M-22319-2021**

**THROUGH VIDEO CONFERENCE**

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

**CRM-M-22319-2021.  
Decided on: June 9, 2021.**

**Sunil @ Sonu**

**.. Petitioner**

**VERSUS**

**State of Haryana**

**.. Respondent**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**\* \* \***

**PRESENT**

**Mr.Aman Pal, Advocate,  
for the petitioner.**

**Mr.Pawan Kumar Longia, DAG, Haryana.**

**Mr.Pawan Kumar Hooda, Advocate,  
for the complainant.**

**JASGURPREET SINGH PURI, J.**

The present case has been heard through video conference.

This is a petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No.1071 dated 10.10.2018, under Section 302/34 IPC (Section 216 IPC added later on) and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Chandani Bagh, Panipat, wherein the petitioner has been summoned by the learned trial Court under Section 319 Cr.P.C. to face trial.

As per the FIR which was lodged on the basis of a complaint made by Surender Singh son of Sh.Sheeshpal Singh stating that

## CRM-M-22319-2021

he along with his family is residing at House No.750, Sector 12, Panipat from the last about 15 years. His brother namely Sunil aged about 35 years (deceased) was residing on rent in House No.1271, Sector 25, Part-2, Panipat. His aforesaid brother Sunil and one another person namely Sultan son of Mangey Ram were doing business of property for the last 10 years. He further stated that about 3 years ago, his brother Sunil (deceased) and Sultan had purchased the land near Gannaru. This land was sold by his brother Sunil and Sultan about 25 days ago and there was a dispute between his brother and Sultan regarding money. On 9.10.2018, at evening time, when he went to the house of his brother then the nephew of Sultan namely Sonu @ Sunil (petitioner) resident of Samalkha, came to call his brother Sunil (deceased) and told him that Sultan is calling him and today we will partition the money. Sonu @ Sunil (petitioner) took the brother of the complainant with him and he was also going towards Sector 25 bypass Vasant Kunj for walking. At about 10:35 when he reached near Vasant Kunj, then he saw the car of Sultan which was lying parked prior to the liquor shop and one hand of his brother Sunil was caught hold by Sonu @ Sunil (petitioner) and Sultan made many fires with his pistol before his eyes and on hearing the noise of firing, he immediately reached near to his brother and then both of them ran away from the spot along with their car. The deceased intimated the complainant in injured condition that a gun shot was made on him on account of money of land. Thereafter, one Ashok came on the spot who took his brother Sunil to Park Hospital and thereafter, considering the serious condition his brother was referred to Delhi but prior

## **CRM-M-22319-2021**

to arrival at the hospital, his brother had died on the way to Delhi. He brought back the dead body of his brother at Panipat. Furthermore, one another person namely Ritesh son of Sultan was also sitting in the car at the time of above said incident. As per the complaint, Sultan, Ritesh and Sonu @ Sunil (petitioner) have committed the murder of his brother namely Sunil.

During investigation of the case, Sultan son of Mangey Ram was arrested and various recoveries were made from him. Another accused namely Ritesh son of Sultan was found to be innocent by the police during investigation.

So far as the present petitioner is concerned, the arrest warrant of the petitioner were got issued from the Court and after joining him in the investigation, it was decided by the police that a separate challan will be prepared and presented in the Court. In this way, the challan was presented only against accused Sultan Singh on 6.12.2018 vide Annexure P-2.

Thereafter, an application/complaint was made by the wife of petitioner on 14.1.2019 and the police came to the conclusion that the allegation made by the complainant with regard to holding arm by the petitioner, nothing was found to be done by the petitioner and therefore, the petitioner was declared to be innocent by the police by submitting a report by the Deputy Superintendent of Police vide Annexure P-3 (colly).

A zimni with regard to version of Mr.Ashok Kumar Qadian, Advocate was also recorded vide Annexure P-3 (colly) in which it

## CRM-M-22319-2021

has been mentioned that there is no truth in the allegations made by complainant about petitioner shooting his brother while holding the hand of Sunil. The Superintendent of Police, Panipat, vide Annexure P-3 (colly) declared the petitioner to be innocent vide letter dated 11.2.2019.

During pendency of trial, an application was moved under Section 319 Cr.P.C. vide Annexure P-5 for summoning the petitioner as an additional accused and to put him on trial with other accused. It was stated in the application that now the complainant has appeared in the witness box as prosecution witness wherein he has stated that the accused Sunil @ Sonu (petitioner) was also in touch with Sunil (deceased) and Sultan and 15 days prior to the occurrence, petitioner had taken an amount of Rs.80 lacs dasti and he was delaying the payment on the one pretext or the other and the money was given only for one week. At the same time, a dispute was going on between Sunil and Sultan regarding distribution of money relating to the land and there had been altercation between them many a times. The complainant further stated that Sonu @ Sunil (petitioner) had given a call from his mobile phone to Sunil (deceased) and he told that Sultan was calling him but Sunil (deceased) refused. Sonu @ Sunil (petitioner) again gave a phone call to Sunil (deceased) but deceased refused to meet Sultan but Sonu @ Sunil (petitioner) came to the house of Sunil (deceased) and took him. Deceased Sunil had left in his own car and thereafter, deceased Sunil was killed by both the aforesaid persons by hatching out a conspiracy. It was further stated in the application that there is no explanation with the investigating agency as to why they exonerated

## CRM-M-22319-2021

the persons named in the FIR and to whom specific role was attributed.

The application under Section 319 Cr.P.c. was decided by the learned Additional Sessions Judge, Panipat, on 31.3.2021 vide Annexure P-6. After considering the factual position based upon the record as well as the statement of the complainant as PW-8, the learned Additional Sessions Judge, Panipat, observed that in the complaint of the complainant Surender Singh as well as in his statement as PW.8, the name of Sunil @ Sonu son of Charan Singh (petitioner) has been clearly mentioned. The petitioner caught hold of one hand of the deceased Sunil, the brother of the complainant and the accused Sultan fired several gun shots upon him, due to which the deceased Sunil expired on his way to a hospital at Delhi and therefore, prima facie case is made out to summon the petitioner as an additional accused. Consequently, the application under Section 319 Cr.P.C. was allowed and the petitioner was summoned as an additional accused.

The learned counsel for the petitioner has submitted that so far as the aforesaid order of summoning the petitioner by the learned Addl. Sessions Judge, Panipat, as an additional accused is concerned, a separate petition has been filed in this Court vide CRR-453-2021 titled Sunil @ Sonu Vs. State of Haryana challenging the summoning order and the same is pending although notice has not been issued in the same as yet. He has further submitted that the petitioner is apprehending arrest in view of the summoning order which has been issued by the learned trial Court and therefore, the petitioner may be granted the anticipatory bail.

At this stage, Mr.Pawan Kumar Longia, learned Deputy

**CRM-M-22319-2021**

Advocate General, Haryana, at the outset, has submitted that he has received categorical instructions from Nepal Singh, Investigating Officer, that the custody of the petitioner is not required by the police and therefore, he has submitted that the present petition for anticipatory bail has become redundant.

After hearing the learned counsel for the parties and the categorical stand taken by the learned Deputy Advocate General, Haryana, this Court is of the opinion that the present petition has been filed for the grant of anticipatory bail under Section 438 Cr.P.C. and the petitioner has been only summoned by the learned Additional Sessions Judge, Panipat and it is the categorical stand of the police that the custody of petitioner is not required and therefore, the prayer of petitioner for grant of anticipatory bail is dismissed. However, the petitioner on appearing before the learned trial Court and in the event of moving an appropriate application for grant of bail, shall be considered and decided preferably on the same day after notice to the State.

It is made clear that aforesaid observations of this Court are only for the purpose of deciding the present petition and will not in any manner whatsoever reflect on the merits of the case.

**June 9, 2021.**  
**raj arora**

**(JASGURPREET SINGH PURI)**  
**JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No