

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

CRM-M-27657-2020(O&M)

Date of decision:-8.3.2021

Pushpa Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Shweta Sanghi, Advocate for
Mr.Aditya Sanghi, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

Ms.Suman Sagar, Advocate
for the complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Pushpa Rani, aged about 40 years, resident of House No.1283, Ward No.18, Sainiyan Mohalla, Hisar, District Hisar, an accused in FIR No.537 dated 20.7.2020, under Sections 302, 148, 149, 341, 120-B IPC and Section 25 of Arms Act, registered with Police

Station HTM, Hisar.

In nutshell, the prosecution story is that on 20.7.2020 at about 4:00 p.m., Mukesh alias Pardhan son of Om Parkash, resident of near Hanuman Temple, Dhani Badwali, Hisar had gone to Mahabir Colony on Scooty bearing No.HR20-AF/5993 in connection with some personal work and he was returning and when he had reached near Hanuman Temple, Dhani Badwali, then 6-7 young boys on 2-3 motorcycles armed with pistols intercepted scooty of Mukesh @ Pardhan; three of them happened to be Sunil @ Poly, Gulshan alias Goldy and Balram alias Lafar; the complainant along with Abhishek alias Bharti also reached at the spot; Sunil @ Poly fired a shot from his pistol at Mukesh @ Pardhan, as such Mukesh @ Pardhan left the spot and ran towards the street; Balram, Gulshan and 3-4 other boys opened indiscriminate fire at Mukesh @ Pardhan hitting him in the process and Mukesh @ Pardhan fell on the ground; when the complainant and Abhishek alias Bharti raised noises, then the assailants left the spot on their motorcycles taking away their respective weapons; injured Mukesh @ Pardhan was taken to General Hospital, Hisar, where he was declared dead. On information being given to the police by complainant Om Parkash, formal FIR in the matter was recorded. Investigation in the case started, during the course of which petitioner Pushpa Rani was nominated as a person, who had got the *reccy* of the place of incident and checked the schedule of deceased carried out from the co-accused Deepak.

Apprehending her arrest in this case, the present petitioner had approached the Court of Sessions at Hisar seeking grant of pre-arrest

bail by filing an application, which was assigned to Additional Sessions Judge, Hisar. However, her such application was dismissed by learned Additional Sessions Judge, Hisar vide detailed order dated 3.9.2020. As such, the present petitioner has come to this Court by way of filing the instant petition praying for the similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the records.

The petitioner/accused though not named in the FIR is said to have played a crucial role in the planning of the incident by getting the reccy of the place of occurrence done and schedule of the deceased checked from co-accused Deepak. Though she might not have been present at the spot at the relevant time but she having played a crucial role in the planning of the incident in which Mukesh @ Pardhan was shot dead by co-accused of the present petitioner, she cannot come up with a straight face and state that she has nothing to do with the incident and she should be granted pre-arrest bail. When the present petition was filed, the petitioner was granted interim bail with a direction to join the investigation and she is said to have done so but as informed by the State counsel on instructions from SI Bhup Singh, the petitioner has not come with all the facts within her knowledge and not disclosed the complete details of the planning of the incident and its execution.

The custodial interrogation of the petitioner is found to be necessary for complete and effective investigation to find out the complete planning of the incident, the persons, who had taken part therein

and role played by each one of them as well as execution thereof specifying role of each assailant and further from where the firearms used in the incident were procured and where the assailants had escaped after the incident. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Finding no merits in the petition, the same stands dismissed accordingly.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

8.3.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No