

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-35645-2022  
Date of Decision: 13.12.2022

SUNIL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Akshay, Advocate for  
Mr. Yashdeep Nain, Advocate  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Subhash Kumar, Advocate  
for the complainant.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.324 dated 06.05.2022 (Annexure P-1) registered under Sections 148, 149, 341, 307, 120-B IPC and Sections 25, 54, 59 of the Arms Act at Police Station City Hansi, District Hansi.

2. The present FIR came to be registered at the instance of Daljit Singh @ Daljit son of Uday Veer Singh. He stated that on 05.05.2022 he was travelling in his Scorpio car bearing No.HR21P-8598 being driven by Amit Kumar. Deepak son of Surinder Kumar, Deepak son of Krishan, Bintu son of Gaje Singh and Rakesh son of Ramtaram were accompanying him while they were going to village Sisai Bolan from Prem Nagar, Bhiwani. When they

reached near Sainipura fly-over, then a car coming from behind overtook his car and the occupants of the other car stopped their car in front of his car. At the same time, a car stopped behind his car. From the front car, Parveen alias Bhola son of Dilbag and Vishal son of Faggu who were having firearms in their hands and from the back car 4-5 persons got down and started firing upon them (complainant and his companions) with an intention to kill. A bullet struck his right shoulder, left hand and left thigh. His friends also got struck by bullets. Thereafter, they ran away and saved their lives by hiding in the Grain Market Police Post. The aforesaid occurrence had taken place at the instance of Sunil (petitioner) son of Shamsher, Rishabh alias Chotu son of Rajender and Krishan son of Chandan.

Pursuant to the registration of the FIR, the investigation began and was being conducted by S.I. Nitin of Police Station City Hansi. During the course of investigation, the injured Amit Boora son of Gurdial, Deepak son of Krishan, Bintu son of Gaje Singh, Deepak son of Surinder and Rajesh son of Hari Ram were joined in the investigation and their statements were recorded under Section 161 Cr.P.C. The aforementioned persons had received multiple firearm injuries. The vehicle and the spot was inspected by the forensic team and incriminating evidence was collected including empty cartridge cases, live cartridges, pieces of broken glasses of the car etc.

On 20.05.2022, information was received regarding the arrest of accused Sachin Nehra alias Sarpanch son of Rajesh, Chand Rathi son of Jai Bhagwan and Karamjit alias Karmu son of Jagdish in another case FIR No.103 dated 11.05.2022 under Sections 394, 395, 323 IPC and Section 25 of

the Arms Act at Police Station Hamirwas, District Churu (Rajasthan). They were taken on production warrants and joined in investigation. Thereafter, they were arrested in the present case and subjected to police remand. They disclosed that the arrangement of car No.HR-51AX-2462 used in the commission of the present offence was made by the accused Ramdiya and Sunil Kharkara. One pistol each along with 8-8 cartridges were given to them and co-accused Ashok @ Shoki. The snatched car and firearms along with ammunition used in the present case were recovered. They suffered their disclosure statements confessing their guilt and also disclosed that they i.e. Chand Rathi, Vikas Nehra, Sachin Nehra @ Sarpanch and Sunil Panghal (petitioner) had conspired to commit the murder of Daljit Singh @ Daljit (complainant) at the residence of Sunil Panghal (petitioner). They also disclosed that the weapons had been purchased from Indore.

On 14.07.2022, the accused Ashok @ Shoki was arrested in the present case on the basis of production warrants. He confessed his guilt and stated that the firearms used in the present case were recovered by the Rohtak Police in FIR No.228 dated 20.05.2022 registered under Sections 379-A, 34 IPC and Sections 25 of the Arms Act at Police Station Kalanaur. Harjit Singh son of Bhajan Singh was also joined in investigation who was the owner of car No.HR51AX2462.

On 21.08.2022, after concluding investigation in respect of four accused namely, Sachin Nehra @ Sarpanch son of Rajesh Nehra, Chand Rathi son of Jai Bhagwan, Karamjit @ Karmu son of Jagdish and Ashok @ Shoki son of Wazir Singh, a report under Section 173(2) Cr.P.C. was prepared

and presented in Court. The arrest of co-accused namely, Parveen son of Dilbag, Vishal son of Faggu, Vikas alias Vicky, Sunil son of Shamsheer (petitioner), Rishab son of Rajender and Krishan son of Chandan is still pending.

3. The learned counsel for the petitioner contends that the allegations against the petitioner are baseless. The petitioner is named in the FIR on suspicion. In fact, the present FIR is a counter-blast of an FIR No.974 dated 27.11.2021 registered under Sections 147, 148, 149, 307, 427, 506 at Police Station Barwala against the real brother of the present complainant-Daljit Singh @ Daljit. There is an unexplained delay of 07 hours in registration of the FIR. No specific role has been attributed to the petitioner and no evidence whatsoever has been collected by the Investigating Agency connecting the petitioner to the other accused including the alleged assailants. The complainant was a convict under Section 302 IPC with a criminal background and his version cannot be believed. In the other cases registered against the petitioner as enumerated in para 18 of the petition, he has been acquitted and as such, presently, for the last 06 years or so he has clean antecedents and is living a peaceful life. Since the petitioner has already joined investigation, the custodial interrogation of the petitioner is not required and therefore, he be granted the concession of anticipatory bail.

4. A status report dated 03.10.2022 has been filed on behalf of the respondent-State by the learned State counsel by way of an affidavit of Raj Singh, Deputy Superintendent of Police, Hansi which is already on record. He submits that the petitioner is the main conspirator as is borne out not only

from the FIR but from the disclosure statement of all the arrested accused. There is a history of past rivalry between the complainant and the petitioner. Though, the petitioner had joined investigation but he was deliberately withholding vital information relating to the co-accused involved in the presence occurrence and their whereabouts and mode of sharing information about the location of the complainant. In fact, the arrested co-accused had detailed the role of the petitioner in providing the location and whereabouts of the complainant. The wife of the complainant namely, Anita Sihag had also filed CRWP-7366-2022 seeking protection of the life and liberty of herself and her family members from the present petitioner and the co-accused. The nature of the crime and the antecedents of the petitioner and the fact that the petitioner was not co-operating in the investigation was sufficient to deny the concession of anticipatory bail to the petitioner and therefore, the present petition ought to be dismissed.

5. A reply dated 05.12.2022 has been filed on behalf of the respondent-complainant by the learned counsel counsel for the complainant which is already on record. While referring to the reply, he contends that the complainant and his friends received multiple gunshot injuries at the instance of the accused who were acting at the behest of the present petitioner. The disclosure statements of the arrested accused clearly point towards the culpability of the petitioner. The severity of the injury suffered by the complainant is borne out from the fact that the leg of the complainant is damaged to such an extent that he cannot move and the doctors at PGIMER, Chandigarh are currently treating the complainant. The present petitioner had

sought personal information about the parole availed by the complainant from time to time from the jail. A copy of the application dated 22.03.2022 filed by the petitioner (Sunil) under the RTI for getting personal information of the complainant- Daljit Singh @ Daljit as well as information supplied by Incharge ASW, Central Jail, Ambala is annexed as Annexure R-1 to the reply. This would show that Sunil (petitioner) was seeking knowledge about the whereabouts of the complainant and wanting information as to when the complainant would be released on parole. Further, on 29.04.2022, Deputy Superintendent of Police Ashok Kumar (who was deployed for the security of the complainant) called the complainant to his office and personally inquired from him in the presence of Rishabh Raj and Sunil (petitioner) as to when the parole period of complainant-Daljit Singh @ Daljit was to be completed and when he was to surrender in jail. Daljit Singh @ Daljit (complainant) under pressure had disclosed the fact of his parole to the DSP concerned on 29.04.2022 and the present occurrence took place on 05.05.2022. The CCTV footage of the office of the DSP Ashok Kumar could be summoned to ascertain the true facts. He further contends that the contention of the petitioner that he has clean antecedents from the year 2015 onwards is also wrong. An FIR No.115 dated 12.05.2016 under Sections 302, 201, 212, 34 IPC and Sections 25, 54, 59 of Arms Act at Police Station stands registered against the petitioner. The petitioner had stopped appearing before the Trial Court and after non-bailable warrants had been issued against him on six occasions, he had obtained interim anticipatory bail in that case. The wife of the complainant-Daljit Singh @ Daljit had moved an application for security

to S.P. City Hansi and gunmen have been provided to the family members of the complainant. Despite that fact, on 11.09.2022, the wife of the complainant-Daljit Singh @ Daljit along with her ailing mother-in-law had gone for a checkup to Sapra Hospital, Hisar and on their way back, it was found that the petitioner along with 4-5 persons was chasing the vehicle of the wife of the complainant. They stopped the said vehicle and threatened the wife and the mother of the complainant once again with dire consequences. A complaint in this regard was moved immediately before the S.H.O. Police Station, Hansi on 11.09.2022 and another complainant was despatched through registered post on 12.09.2022. He thus contends that the petitioner does not deserve the concession of anticipatory bail.

6. I have heard the learned counsel for the parties at length.

7. In the present case, the petitioner was named in the FIR as the conspirator at whose instance the occurrence took place. Subsequent thereto, during the course of investigation, the other co-accused were arrested and have specifically disclosed that the petitioner had provided the location of the complainant so that the assailants could launch the attack against him. The conduct of the petitioner is also suspect. He has applied for the details of the parole advanced to the complainant and surprisingly, the said details have been supplied to him. Similarly, information was sought from the complainant as to when he was to surrender back after parole on 29.04.2022 after which the occurrence took place. These facts create a doubt of the professed innocence of the petitioner. Not only this, there seems to have been an attempt to threaten the family members of the complainant after an interim

order was passed in favour of the petitioner on 10.08.2022. Therefore, the serious nature of the allegation, the role played by the petitioner, as has been disclosed during the course of investigation, as also the conduct of the petitioner does not entitle him to the grant of anticipatory bail. In fact, the custodial interrogation of the petitioner is certainly necessary to take the investigation to the logical conclusion and to tie-up all loose ends.

8. In view of the above, I find no merit in the present petition. Therefore, the same is hereby dismissed.

9. However, it is made clear that the observations in this order are only for the purposes of deciding this bail petition and the Courts would adjudicate upon the case uninfluenced by the observations made herein.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**13.12.2022**

**JITESH**

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