

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

**CRM-M No.37200 of 2022
Date of Decision: 23.09.2022**

Neetu

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sunny Kadiyan, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.0296 dated 09.06.2022 registered at Police Station Civil Line Sonapat, District Sonapat, under Section 307 IPC and Section 25 of the Arms Act, 1959, the petitioner has moved this petition for seeking the relief of pre-arrest/anticipatory bail.

2. Bereft of unnecessary details, the allegations, as levelled against the petitioner in the instant case, are that on 08.06.2022, at about 9.30 PM, informant-Parvesh Sharma was present at his shop. In the meantime, one person, who had muffled his face, came there and asked for some medicine and thereafter, he left but after some time, that person again came to the shop and fired shot at him with an intention to kill him and he

(informant) saved himself by hiding behind the rack as kept there. During the investigation, it has been revealed that the petitioner was driving the vehicle used by his co-accused for coming to and escaping from the shop of the informant.

3. Status-report submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, City, Sonipat), along-with Annexure R-1, is already available on the file and both these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that there is a delay of 24 hours in lodging the FIR and even as per the allegations as levelled by the informant in this case, only one unknown assailant was involved in the said occurrence and moreover, the petitioner is also not involved in any other criminal case of the similar nature and in these circumstances, he (petitioner) deserves the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that the petitioner had hatched a conspiracy with his co-accused to kill the informant and he had actively participated in the commission of the offence as he had driven the vehicle, used by his co-accused to go to and flee away from the shop of the informant after committing the crime and it being so, this petition be dismissed.

7. As regards the contention qua the delay in lodging the FIR and its effect on the case of the prosecution, the same would be a subject matter for consideration and adjudication by the trial Court at the appropriate stage after the appreciation and evaluation of the evidence that may be led on the record during the course of the trial and it cannot be ascertained at this stage, while deciding the instant bail petition.

8. Though, as per the version of the informant as put-forth in the FIR, one unknown assailant had come to his shop and had fired shot at him but in para No.6 of the status-report, it has categorically been deposed that the co-accused of the petitioner named Ankush @ Monu had suffered a disclosure statement that he had a business rivalry with the informant and therefore he, along-with the petitioner and their other co-accused, had conspired to eliminate the informant and in para No.7 therein, it has specifically been mentioned that the petitioner had participated in the said conspiracy and had driven the vehicle used in the commission of the offence. The investigation qua the petitioner is at the nascent stage and in such an eventuality, the possibility of the requirement of his custodial interrogation to elicit the truth regarding the circumstances leading to the alleged commission of the offence in this case, cannot be ruled out.

9. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

September 23, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>