

(223)

2023:PHHC:093048

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29491 of 2023

Date of Decision: July 24, 2023

Dhanraj Dagar
Versus
State of Haryana

...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parminder Singh, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. Naveen S. Attri, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

Prayer has been made in this petition filed under Section 438 Cr.P.C., for grant of anticipatory bail to petitioner in case FIR No.29 dated 20.01.2023 registered under Section 306 IPC, later on added Sections 302, 201, 120-B IPC at Police Station City Jagadhri, District Yamuna Nagar.

On 14.06.2023, the following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No.29 dated 20.01.2023 registered under Section 306 IPC, later on added Sections 302, 201, 120-B IPC at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner has drawn attention towards the contents of FIR, as per which, when complainant Brahm Singh, father of the deceased Shubham went in search of deceased, he was found at a little distance from the office of petitioner – Dhanraj. Vehicle of the

deceased was found parked on the road side. Deceased Shubham was lying nearby in the bushes. Complainant tried to talk to Shubham who informed that Dhanraj Dagar-petitioner grabbed his money and had told him that he could do whatever he could and that being aggrieved and harassed, he had consumed poison due to mistake.

Learned counsel for the petitioner further contends that initially the FIR was lodged only under Section 306 IPC on 20.01.2023 but it is after more than four months that on the basis of disclosure statement of co-accused Yogesh, Section 302 IPC was added.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Mr. Naveen S. Attri, Advocate, appears on behalf of the complainant.

Adjourned to 24.07.2023.

Let a detailed status report be filed by the respondent-State on or before the date fixed.

Having regard to the oral dying declaration of the deceased Shubham as referred in the FIR and other facts and circumstances, pleaded by counsel for the petitioner but without commenting anything on the merits of the case, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Status report by way of affidavit of Shri Ashish Chaudhary,

Deputy Superintendent of Police, Ambala Cantt., has been filed on behalf of the respondent- State.

Learned State Counsel has opposed the bail petition on the ground that co-accused Yogesh Rana suffered disclosure statement as per which he and Shubham Rana along with the petitioner made the deceased to consume poisonous substance. However, learned State Counsel is unable to explain as to whether any recovery has been effected or any new fact has been discovered pursuant to the disclosure statement of the co-accused. Learned State Counsel is also unable to explain about dying declaration which was made orally by deceased to his father-complainant, as referred in order dated 14.06.2023.

It is conceded by learned State Counsel, on instructions from SI Anil Kumar, that petitioner has already joined the investigation.

In view of the afore-said facts & circumstances, order dated 14.06.2023 granting interim anticipatory bail to the petitioner is hereby made absolute.

Disposed of.

However, petitioner shall continue to join investigation if and so requires by Investigating Officer.

July 24, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No