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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2088-2024

Date of Decision : 17.09.2024

JITENDER ALIAS KALI

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Navneet Singh, Advocate for the appellant.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J.(Oral)

Apprehending arrest in FIR No.232 dated 16.04.2024, under Section 201 of IPC AND Section 3 of SC & ST Act (Section 304 IPC added later on and Sections 302 and 120-B IPC deleted later on) registered at Police Station Krishna Gate, District Kurukshetra, the petitioner has preferred this appeal for grant of pre-arrest bail.

2 Succinctly the facts in brief are that on 15.04.2024, information was received by Police Post Subhash Mandi that a body of a young boy, wrapped in a cloth, was lying in Rehri Market, Sector-17, Kurukshetra. On receiving this information, police officials reached on the spot and found the body of a young boy wrapped in cloth, who was identified as Suraj son of Nar Singh. Next day, the brother of deceased, namely, Surender Singh suffered a statement that on 15.04.2024, he received information that the body of his brother Suraj, wrapped in a cloth, is lying near the Rehri Market, Sector-17 Kurukshetra. When he reached at the spot he saw that the body of his brother Suraj, wrapped in a cloth rug was lying on the road. With the help of police officials, he took his brother Suraj to the LNJP Hospital, Kurukshetra for treatment, but the doctor declared him dead dead. Further it was alleged that on 15.04.2024, around 7.00 A.M. his brother Suraj took his splendor motorcycle and told him that he was going to meet Subham. He suspected that Subham and his associates were involved in death of his brother.



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3. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in this case and he has not been named in the FIR and no specific role has been attributed to the appellant. Further, the appellant was not present at the spot and no allegations have been made against the present appellant and there is no incriminating material against the appellant.

4. Learned State counsel while referring to status report dated 28.06.2024 contends that name of the appellant was disclosed by the co-accused, Kamal in his disclosure stating that the appellant had provided the intoxicant tablets which were administered to deceased by co-accused Subham and due to which deceased lost his life. He submits that the appellant is involved in two other cases i.e. i) FIR No.46 dated 07.02.2021 under Section 13-A-3-67 of Gambling Act, Police Station City Thanesar. ii). FIR No.507 dated 24.09.2022 under Section 61-4-2020 of Excise Act, Police Station City Thanesar. He further submits that the investigation in the present case is not complete and during investigation the call details of mobile number belonging to co-accuseds and Subham were obtained and same was matched, hence, the custodial interrogation of the appellant is required in the present case.

5. Heard the rival submissions made by learned counsel for the parties.

6. In view of the aforementioned discussions and in view of the serious allegations levelled against the appellant and to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the appellant at this stage.

7. Accordingly, this appeal is **dismissed**.

(KIRTI SINGH)
JUDGE

17.09.2024

Kavita

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No