



CRM-M-27657-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
216 CRM-M-27657-2024
Date of decision: 6th September, 2024
Anil @ Anil Dalal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. S.S. Gill, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Kunal Dawar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case bearing FIR No. 66 dated 10.02.2024 registered under Section 302 of IPC and Section 25 of Arms Act, 1959 (Section 34 of IPC added later on) at Police Station Chandhat, District Palwal.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 10.02.2024, MHC Police Station Chandhat informed the Sub Inspector that the present petitioner Anil Dalal had visited the police station and had informed that some unknown person had killed his employee Sachin in his office by using a firearm. On receipt of this information, the police official immediately rushed at the spot and found the victim Sachin to be lying in an injured condition in a pool of blood on a sofa. He was immediately rushed to the hospital but was declared to be brought dead. An

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empty cartridge was recovered from the spot. His family members were informed. A written complaint was submitted by his uncle Chandan Singh on 10.02.2024 alleging therein that on the night of 09.02.2024. On receipt of information regarding his nephew being shot at the office of Anil, he had reached there along with his family members and came to know about his death. He raised suspicion that the petitioner had a hand in the homicidal death of the victim. A case under Section 302 of IPC read with Section 25 of Arms Act was registered. During investigation, the accused Ravi was apprehended. On interrogation, he suffered a disclosure statement to the effect that he along with the victim was working as a bouncer with the present petitioner. On the night of 09.02.2024, only Sachin and himself were present in the office when a verbal altercation had been taken place between them. Sachin told him that the present petitioner used to take more care of Ravi and gave him more salary. He further disclosed that he lost his tamper and by taking out his country made pistol fired shot with the same upon the victim which hit his head and he had died at the spot. He further disclosed that he had shut off the CCTV camera and then called the petitioner and others by making a story that the victim had been killed by some unknown persons. In pursuance of his disclosure statement, he got recovered the firearm used in commission of the subject crime. The present petitioner was arrested subsequently, after adding offence under Section 34 of IPC. He is in custody since 19.03.2024. Investigation has since been completed. He moved an application for grant of regular bail before the learned Additional Sessions Judge, Palwal which was dismissed.



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the accused Ravi. The incident had occurred in his absence. The only allegation against him is that in his confessional statement, the co-accused Ravi had disclosed that he had given a sum of Rs. 40,000/- to him for buying a pistol about one year back. His complicity in the subject crime has not been established nor any motive for committing murder of the victim or hatching any conspiracy qua the same has been established. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is argued that the petition deserves to be allowed.

4. *Per Contra*, learned State counsel assisted by learned counsel for the complainant has argued in terms of the status report that there are serious allegations against the petitioner. He is involved in four more criminal cases. There are chances of his absconding or intimidating the witnesses or tampering with evidence, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The allegations against the petitioner are that he had given a sum of Rs. 40,000/- to the co-accused Ravi for purchasing a firearm one year prior to the occurrence and it was the same firearm which was used by the co-accused Ravi in killing the victim on the night of 09.02.2024. It has come



on record that the CCTV cameras installed in the office of the petitioner had been shut down for some time when the incident had taken place. It was not the disclosure made by the co-accused that the petitioner had connived with him in commission of offence of murder of the victim or he was present at the place of occurrence at the relevant time. No doubt the death of the victim has taken place in his office itself. However, it is a question of debate that the petitioner had a hand in the subject crime. No doubt this court while deciding this petition cannot give any finding in this regard at this stage as the same has to be given by the trial Court on the basis of thorough assessment and evaluation of the evidence to be produced during the course of trial. However, keeping in view the nature of allegations as levelled against the petitioner, the act attributed to him, the period of his incarceration and further, the fact that no direct complicity of the petitioner in the subject crime has been revealed from the material collected during the course of investigation but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th September, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No