

2024:PHHC:087756



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-33071-2024 (O&M)

Date of decision: 15.07.2024

Ranbir Singh**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

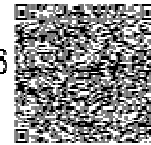
Present:- Mr. Sanjeev Kadian, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 89, dated 24.06.2024, under Sections 147, 149, 186, 189, 225, 308, 332, 342, 353, 379-B, 511 and 34 of IPC at Police Station Sector 20, Panchkula.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 24.06.2024 on the basis of the statement recorded by the complainant namely Inspector Yunus Javed, posted at Police Station Ghazipur, East District, Delhi, alleging therein that he was conducting investigation in case arising out of FIR No. 169 of 2024, registered under Sections 407, 120-B and 34 of IPC at Police Station Ghazipur, Delhi on the basis of a complained lodged by complainant Mukeem, resident of Assam, that accused Aftab and his driver had stolen 30

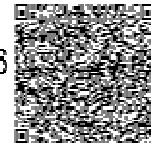
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buffaloes, which were transported from Ghazirpur market, Delhi to Assam on their vehicle. Accused Aftab was arrested and during investigation, he disclosed the involvement of accused Habib, resident of Muzaffarnagar in the crime and also that instead the buffaloes to Assam, they had slaughtered them at a slaughter house in Bareilly and the money received from the sale of those buffaloes had been kept by the said Habib. He alleged that on 22.06.2024, while conducting investigation in the above said FIR, he along with complainant Mukeem had gone to Bareilly and from the phone location of Habib, he came to know that that accused Habib was in Panchkula. He along with other members of his police party had come to Panchkula on 23.06.2024 and after recording his presence at the concerned police station, had reached at Flat No. 104 after joining police officials from Police Station Sector 20, Panchkula, where the presence of accused Habib was suspected. One police official was left downstairs. He knocked at the door and some youths opened the same. When he started questioning them, six youths gathered there and started having a scuffle with him and HC Jitender. The petitioner asked the accused Habib to bolt the door of the flat from inside and to snatch his pistol. One of them closed the door. The petitioner and co-accused Habib tried to snatch his pistol. Thereafter, all of them opened an attack upon the complainant as well as upon other police officials accompanying him. The petitioner threw a chair upon him.

3. As per the further allegations, while suspecting that the accused could snatch his pistol, the complainant somehow managed to open the door of the flat and came outside. One of those youths followed him. The

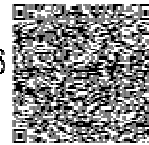
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complainant reached towards the main gate of the society, so as to avoid escaping of accused Habib. While he was trying to call other police officials by making a call on the phone, the petitioner reached there and by striking blows with a belt on the head of the complainant, he proclaimed as to how he could dare take accused Habib along with him. The petitioner tried to snatch his pistol but the complainant to ensure his safety opened a fire, which hit the petitioner and he fell down. Accused Habib tried to flee along with other youths in the meanwhile but he was apprehended. The petitioner and accused Habib were taken to the police station and since the petitioner had sustained a fire arm injury, hence, he was got medically examined and then was referred to PGIMER, Chandigarh. After registration of the FIR, investigation proceedings have been initiated and the same are under way. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Panchkula, which had been dismissed, vide order dated 09.07.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he was sleeping in his flat No. 104 situated at Sector 20, Panchkula in the morning of 24.06.2024, when five persons dressed in plain clothes entered into after banging on the door of the same and had opened an assault upon them. He was unable to comprehend that they were police officials. It was him, who was mercilessly beaten by the police men without any provocation and was taken to main gate of the society. On his making enquiry, he was fired two shots from point blank range. He had no involvement in FIR No. 169 nor he had tried to harbor co-accused Habib.

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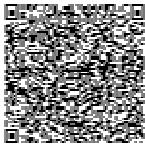
In fact, he had become unconscious and taken to hospital by the residents of the society, wherein he was living. He is still lodged in the hospital and has undergone major surgeries. His custodial interrogation is not required. He did not make any attempt to commit any act of culpable homicide not amounting to murder as against the complainant or any other police official accompanying him. He is ready to join investigation. No useful purpose would be served by detaining him in custody. Therefore, it is argued that he deserves to be extended benefit of pre-arrest bail.

5. *Per contra*, learned State counsel, who has advance notice of the petition, has argued that there are specific and serious allegations against the petitioner, who, in order to facilitate the escape of his friend Habib, who was required in FIR No. 169, opened an assault upon the complainant and other police officials and made attempt to kill them. He had caused obstruction in performance of official duty by the complainant and other police officials and had physically assaulted them. His custodial interrogation is required for thorough investigation in the matter by the police as despite their identity being disclosed to him and co-accused, they had assaulted the complainant and other police officials. He had even inflicted blows on the head of the complainant with the belt. He has criminal antecedents. Therefore, it is argued that he does not deserve to be given benefit of pre-arrest bail.

6. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly with co-accused Habib and other youths and in prosecution

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of a common object of that assembly, he is alleged to have wrongfully restrained the complainant and other police officials, caused obstruction in performance of their official and lawful duty and is further alleged to have made an attempt to kill the police official, especially the complainant. No doubt, he has also sustained fire arm injuries in the occurrence but only because of that reason, he does not become entitled to be given benefit of pre-arrest bail. The powers under Section 438 of Cr.P.C. are required to be exercised in extraordinary and sparing circumstances, which have not been made out in the present case keeping in view the nature of the allegations as levelled in the FIR. As such, finding no reasonable ground to allow the present petition, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>