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

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Date of Decision:- 06.11.2024

Talak Ram @ Choti

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Khatkar, Advocate and
Mr. Raman, Advocate for petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

AMARJOT BHATTI, J.

1. Talak Ram @ Choti has filed anticipatory bail in FIR No.172 dated 22.04.2022 (Annexure P-1), under Sections 186, 353, 307 of IPC (Sections 120-B, 511, 34, 216 of IPC were added later on) and Sections 25, 54, 59 of Arms Act, registered at Police Station City Bahadurgarh, District Jhajjar, Haryana.

2. As per the facts of the case, Station House Officer City Bahadurgarh along with police party was present near Civil Hospital, Bahadurgarh when he received call from Inspector Manoj, Incharge CIA-2, Bahadurgarh that Naveen @ Bali accused in FIR No.239 dated 30.06.2021, under Sections 302, 120-B, 34 of IPC and Section 25/54/59 of Arms Act, registered at Police Station Asaudha was brought to Civil Hospital,

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Bahadurgarh for his medical examination. Since he was a dangerous criminal, therefore, possibility of attack upon him could not be ruled out and he was called in the hospital for the safety of accused. Station House Officer, City Bahadurgarh along with police party reached Civil Hospital, Bahadurgarh where Inspector Manoj along with staff had come for medical examination of Naveen @ Bali. After medical examination, Naveen @ Bali was made to sit in government vehicle Eicher No.HR-63-B-8577. They were about to leave civil hospital at about 12:05 PM when three young persons having weapons in their hands came towards their vehicle by scaling the wall with an intention to kill Naveen @ Bali. One of the boy was about to fire when Station House Officer along with his team tried to catch hold of assailants. One of the boy was caught on the spot, whereas two boys managed to escape. The boy apprehended on the spot, disclosed his name as Himanshu and from his possession one pistol and 07 live cartridges loaded in the weapon were recovered. Weapon along with cartridges were taken into police possession. With these allegations, present FIR has been registered.

During the course of investigation, names of other accused cropped up including present petitioner.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. Himanshu allegedly disclosed name of other persons. Bunt Sarpanch @ Pardhan allegedly named the present petitioner for hatching criminal conspiracy to kill Naveen @ Bali along with others. Apart from this statement, no role is attributed to him. He is ready to join the investigation as and when required and he will abide by

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the terms of bail order. It is prayed that his anticipatory bail petition may be allowed.

4. Status report has been filed. As per the status report Himanshu @ Bonga was arrested on the spot and during investigation his disclosure statement was recorded. Challan qua Himanshu @ Bonga was presented on 17.06.2022. Later on during the course of investigation, Ashok Pardhan, Parveen @ PK, Ashish @ Sonal were apprehended and challan qua them has been presented on 20.08.2022. In further investigation, Rajesh @ Rakesh @ Fauji @ Shetty was joined in the investigation by issuing his production warrants. Challan qua him is also presented on 09.04.2023. Other accused Bunty, Rakesh @ Tota, Kuldeep @ Kashish, Deepak @ Mundi were also apprehended and on completion of investigation, challans are presented from time to time. Regarding present petitioner, it is pointed out that he is yet to join the investigation. Therefore, his custodial interrogation is required.

5. I have considered the arguments and have gone through the record. Alleged occurrence took place on 22.04.2022 and perusal of status report shows that from time to time different accused are joined in the investigation and are challaned. Present petitioner is attributed with the role that he conspired for the murder of Naveen @ Bali. There is one disclosure statement of Bunty Sarpanch @ Pardhan giving detail of the facts which is Annexure P-2. Learned counsel for petitioner has placed on record copy of bail order dated 23.04.2024 vide which Bunty Joon @ Pardhan has been granted regular bail (Annexure P-3). Lalit Rathee is also granted regular bail vide order dated 07.11.2023 by learned Additional

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Sessions Judge, Jhajjar (Annexure P-4). Anticipatory bail application filed by the petitioner was declined vide order dated 02.08.2024 (Annexure P-5). Present petitioner was not allegedly seen at the place of occurrence. He is named by other co-accused. Even otherwise, he is ready to join the investigation as and when required. Therefore, no purpose would be served by sending the petitioner behind the bars. Accordingly, anticipatory bail petition filed by petitioner – Talak Ram @ Choti is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

06.11.2024

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No