



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

103

CRM-M-45217-2024 (O&M)

Date of Decision: 11.09.2024

RANBIR DALA

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 438 of Cr.P.C. praying for grant of anticipatory bail in case arising out of FIR No.276 dated 05.09.2023 registered under Sections 302, 34 of IPC at Police Station City Dadri, District Charkhi Dadri on the basis of a written complaint lodged by the complainant Anuj Kumar alleging therein that on 04.09.2023, he along with his brother had gone to Tehsil Beri for some household work. While they were on their way back and reached at village Bhairavi at a petrol pump to get CNG filled in their car, they met accused Sunil Sheoran alias Bablu and Sinti alias Nagendra who were riding in a black Scorpio vehicle. Both of them offered the complainant and his brother to come along with them to the shuttering shop of Krishan so that they could sit there and enjoy. On their asking, the complainant and his brother reached at the shuttering shop owned by Krishan Duddy. The present petitioner co-accused Ajit Jakhar and one unknown person were already there.



2. As per further allegation, the accused Sunil Sheoran and Sinti @ Nagenderer asked the complainant and his brother to consume liquor and when both of them refused, he, after opening the cap of the liquor bottle, poured it in a glass and threw the same on his brother and himself. Thereafter they opened an assault upon the brother of the complainant. The petitioner caught hold of his brother and accused Nagendra alias Sinti and by picking an iron rod hit the same on the head of Amit due to which he fell down. He also tried to hit the complainant who somehow saved himself. Thereafter all of them ran away from the spot. He further recorded in his statement that his injured brother was taken to hospital but had succumbed to his injuries and died.

3. After registration of FIR, investigation proceedings were initiated, the present petitioner was found to be innocent and not involved in the occurrence whereas co-accused Sunil Kumar alias Bablu and Nagendra alias Sinti were found involved in this case. After completion of necessary usual formalities of investigation, challan was presented against them. They are facing trial. As per further allegations, during trial of co-accused Sunil Kumar alias Bablu and Nagendra alias Sinti, the complainant appeared and recorded his statement. Thereafter, application under Section 319 Cr.P.C had been moved for summoning the present petitioner as an additional accused which has been partly allowed vide order dated 22.08.2024 and the petitioner has been ordered to be summoned as an additional accused, as such. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail before the learned trial Court which was dismissed.



4. It is argued by learned counsel for the petitioner that his custodial interrogation is no more required. He has been falsely implicated in this case. He was found to be innocent during investigation and has been summoned as an additional case. His custodial interrogation is not required. He is ready to join the proceedings before trial Court. Nothing is to be recovered from him. Therefore, it is urged that petition deserves to be allowed.

5. Learned State counsel who has advance notice of the petition submits that he is ready to argue the matter and has submitted that keeping in view of the severity of the allegation as levelled against the petitioner and the fact he was named in the FIR and a specific role attributed to him, he does not deserve to be given concession of bail.

6. Heard.

7. The petitioner along with co-accused already facing trial is alleged to have assaulted the victim Amit in furtherance of their common intention and is further alleged to have murdered him. He was found to be innocent during investigation and has been ordered to be summoned as an additional accused by the trial Court by allowing application filed under Section 319 Cr.P.C. Obviously, his custodial interrogation is not required. Neither any recovery can be effected from him. He is ready to join the proceedings before trial Court. In my considered opinion his detention would not serve any useful purpose.

8. In view of above discussed facts and circumstances but without commenting on the merits of the case, the petition is allowed and he is ordered to be admitted to bail by the learned trial Court subject to his surrendering



before the same within a period of one week from the date of certified copy of this order on furnishing personal/surety bonds to its satisfaction.

9. A copy of this order be sent to the concerned Court.

11.09.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned
- : Yes/No
2. Whether reportable
- : Yes/No