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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47958-2024

Date of Decision : 24.10.2024

Sandeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.0101 dated 25.07.2024, under Sections 308(2), 109(1), 351(3), 3(5) of BNS, 2023 and Sections 25, 54, 59 of Arms Act, 1959 registered at Police Station Jatusana, District Rewari, the petitioner has preferred this petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

2. Succinct factual narrative relevant for the disposal of the instant petition is that on 25.07.2024 an information was received regarding a firing incident. Police official from P.S. Jatusana reached the place of occurrence where complainant Vipul son of Inderjeet met them and gave the following written complaint :

“On dated 24.07.24, I received a whatsapp voice call on my phone number 8307090325 from number 8307476869 saying that I am Nakshu from Rewari and you are playing game then do play but you have to give money to me also otherwise there are cases already on

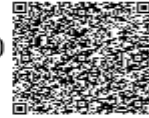


us and we are absconding. Thereupon I blocked number 8307476869. Thereafter today dated 25.07.24 again on whatsapp from number 9350715587 sent me a video with weapon, abused me and said that will kill you by entering in your home and abused my family members and threatened to kill. After that me and my friend Ankit son of Ratan Singh were standing near the stand of our Village then a boy came and asked name from my friend and he told his name as Ankit and my name as Vipul and verbal abuse initiated between us, during this, a vehicle came and one boy alighted from it who was carrying a pistol in his hand, seeing which both of us ran from there then he fired from the pistol he was carrying in his hand, upon me with the intention to kill, from which I narrowly escaped, hearing the noise of gun-shot crowd ran and two boys ran towards field which were overpowered by the crowd in the field and police was informed and both the boys were handed over to police. Upon asking the name of the boy who fired he disclosed his name as Nakshtra @ Nakshu son of Shekhar resident of Katopar, Rewari and the second one disclosed his name as Amit son of Azad resident of Village Masani, Rewari. That I will produce the screen recording of my mobile phone in a pen-drive.

Action be taken."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he was not named in the FIR and he was nominated as an accused only in the second disclosure statement suffered by co-accused.

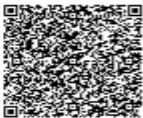
4. Per contra, learned State counsel while relying upon status report submits that the complainant in his complaint has specifically stated that at the place of occurrence a car came from which a boy alighted who was carrying a pistol in his hand and in the statement of eye witness Ankit son of Ratan Singh

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of occurrence one white color Maruti Brezza car came from which a boy alighted who disclosed his name as Nakshu and pulled out his pistol, thereafter in the disclosure statement dated 26.07.2024 of both the aforesaid accused persons they have specifically disclosed that the aforesaid Maruti Brezza car bearing no. HR36AR-7807 belonged to their friend Sandeep @ Monu (petitioner herein), thereafter the vehicle particulars/details were obtained from the state transport department which clearly shows that the aforesaid vehicle is registered in the name of father of the petitioner, therefore, the petitioner was duly involved in the present offence and his role is yet to be investigated and the aforesaid car is yet to be recovered. He further submits that the accused Sandeep Kumar son of Ajaypal the petitioner herein is yet to be arrested. In the disclosure statement of co-accused Nakshtra @ Nakshu and Amit, they have named the petitioner and attributed specific role to the petitioner. Learned State counsel submits that the petitioner has not joined the investigation till date. The investigating team has visited his house multiple times but he is yet to be found. The investigation in the present case is still undergoing qua the petitioner and car used in the present offence is yet to be recovered.

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

6. There are serious allegations leveled against the petitioner. There are specific allegations in the complaint, in statement of eye witness Ankit son of Ratan Singh in relation to the car used in the offence and the role and involvement of the present petitioner accused Sandeep Kumar has surfaced in the disclosure statements of the both the aforesaid co-accused which transpires that the present petitioner conspired with other co-accused and committed the serious offence



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which creates fear in mind of public at large. Accordingly, 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 petitioner at this stage.

7. The petition is dismissed.

24.10.2024
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(KIRTI SINGH)
JUDGE

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