

2024:PHHC:147851



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

294

CRM-M-48921-2024 (O&M)

Date of decision: 12.11.2024

Anand @ Bablu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 of Cr.P.C., is for grant of regular bail in case bearing FIR No. 217 dated 27.06.2021, registered under Sections 120-B, 148, 149, 186, 195A, 307, 353 and 452 of IPC and Section 25 of the Arms Act, 1959 (Section 201 of IPC added later on) at Police Station Bawani Khera, District Bhiwani.
2. Brief facts of the case relevant for the purpose of disposal of the present case are that the aforementioned FIR had been registered on the basis of a statement got recorded by the complainant Raj Kumar alleging therein that on 26.06.2021 at about 6:15 PM, when he was sitting in the verandah of his house and some police officials, who had been posted for his security by the police authorities, were also present with him, five youths came while riding on two motor bikes. One of them alighted from the bike and rushed towards the complainant while showing a pistol. Three youths followed him and opened fire with pistols towards the complainant, whereas one youth remained sitting on a motor bike. The complainant rushed inside in order to

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save himself and the assailants started following him. The police officials present there also fired shots towards them with the weapons but the assailants jumped over the wall of his house. The complainant managed to come out of his house and came in the street but in the meanwhile, one of the assailants fired a shot with a pistol carried by him, thereby injuring the abdomen of the complainant. The police officials saved him by firing shots in retaliation at those youths after which they fled away. The complainant, who was admitted in the hospital, at the time of recording of his statement disclosed that petitioner Anand @ Bablu, who was having enmity with him on the issue of Panchayat elections along with his family members, had murdered the brother and uncle of the complainant in the year 2016. Cases were registered against them and now they were pressurizing the family of the complainant to enter into a compromise and in connivance with the assailants, who were unknown to him, had made an attempt to kill him. After registration of the FIR, investigation proceedings were initiated. The petitioner, who was in custody in some other case, was joined into investigation on 06.07.2021 after securing his presence by way of production warrant. On interrogation, he suffered disclosure statement admitting his involvement in the subject crime. Co-accused Ajay, Deepak, Amar and Rohit were also arrested subsequently. Investigation has since been completed and the petitioner along with the co-accused is facing trial.

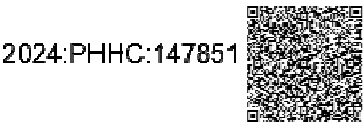
3. The present petition has been filed on the grounds and it has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case by attributing a stale motive. He was in judicial custody

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in some other case when the alleged occurrence took place. Therefore, there were no chances of his being present at the spot nor he is alleged to be present at the spot at that time. The relations between the parties are inimical due to pending litigation between them and his implication is with oblique motive. Out of 16 persons, nominated as accused, 11 persons have already been exonerated by the investigating agency. No test identification parade of the alleged assailants had been conducted at any stage of investigation. No evidence whatsoever could be collected by the prosecution to show that he hatched any conspiracy with actual assailants. He is in custody since 06.07.2021. The disclosure statement of co-accused is not admissible in evidence. The trial is likely to take time. No useful purpose would be served by keeping the petitioner into custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, there are serious and specific allegations against the petitioner. Some material witnesses are yet to be examined. The petitioner is having criminal antecedents as he is convicted in a case of murder and one more case of similar nature is pending against him and he is also facing trial in another case of murder. There are chances of absconding or intimidating the remaining witnesses or committing similar offences, if extended benefit of bail. He was the master mind of the subject crime as he hatched a conspiracy with co-accused to kill the complainant and it was on his asking that co-accused had made an attempt to kill the complainant by firing shots upon him. Hence, it is urged that the petition is liable to be dismissed.



5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is alleged to have hatched a conspiracy initially with co-accused Ajay to kill the complainant with whom, he was admittedly having inimical relations. As per the allegations, in pursuance of the conspiracy hatched with him, co-accused Ajay had joined co-accused, who had made an attempt to kill the complainant by criminally trespassing into his house on 26.06.2021 and by firing shots upon him with fire arms. The allegations against the petitioner are serious in nature. Some of the material witnesses are yet to be examined. The petitioner has criminal antecedents. The gravity of the offence is one of the prime consideration for granting/denying the benefit of bail to an accused. Keeping in view the serious nature of the allegations levelled against the petitioner, his criminal antecedents, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner is not entitled to get benefit of regular bail, at this stage. Accordingly, the petition stands dismissed.

7. 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.

12.11.2024

Waseem Ansari

Whether speaking/reasoned

Whether reportable

(MANISHA BATRA)

JUDGE

Yes/No

Yes/No