

2024:PHHC:156580



CRM-M-51201-2024

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-51201-2024 (O&M)
Date of Decision : 25.11.2024

SHARVAN AND ORS

.....Petitioners

VERSUS
STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sushil Sheoran, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. R. C. Gugnani, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(Oral)

1. On 21.10.2024, the following order was passed:-

“1. On oral request of the learned counsel for the petitioners, complainant Vishnu son of Jagdish, resident of Village Sanjarwas, is ordered to be impleaded as respondent No.2 in the instant petition. The learned counsel for the petitioner undertakes to furnish the amended memo. of parties, before Registry of this Court, during course of the day.

2. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioners seek the concession of anticipatory bail, in FIR No.186 dated 29.09.2023, under Sections 120-B/148/149/ 302/323/506 of the IPC, registered at P.S. Bond Kalan, District Charkhi Dadri.

3. Record reveals that the investigating agency had, after conducting investigation in the present FIR, declared the petitioners innocent and put their names in Column No.12, whereas, accused Ravi @ Bholi, Paramjeet @ Monu, Rahul @ Mini and Rohit @ RK were sent to face trial. However, post the recording of his examination-in-chief before the learned trial Court concerned as PW-1, the complainant moved an application under Section 319 of the Cr.P.C., which resulted in the petitioners, vide order dated 11.09.2024, becoming summoned to face trial as additional accused. This summoning order instilled an apprehension qua their arrest in the petitioners and consequently, the



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approached the learned trial Court concerned for the relief of anticipatory bail, however, the said relief was declined to them, vide order dated 09.10.2024. In this way, the petitioners are driven to this Court for seeking the relief of anticipatory bail.

4. The learned counsel for the petitioners submits that, it was only after a thorough investigation that, the petitioners were declared innocent by the investigating agency. He further submits that, as per the prosecution case, the deceased Babu Lal had abused accused Paramjeet @ Monu on his facebook and instagram IDs, whereupon, the latter along with his accomplices caused injuries to the deceased Babu Lal and committed his murder. In order to lend vigour to this argument, the learned counsel for the petitioner refers to the disclosure statement suffered by accused Paramjeet @ Monu, which is a part of the Final Report, and, is enclosed herewith as Annexure P-2.

5. Furthermore, the learned counsel for the petitioners submits that, in fact, the petitioners were falsely implicated in the present FIR, merely owing to there being a land dispute between the parties, however, when the complainant party did not succeed in their ill endeavour, as the petitioners were declared innocent by the investigating agency, therefore, the complainant party committed murder of Munni (mother of petitioners No.1 and 2). Regarding the death of said Munni, an FIR No.219 dated 06.09.2024, under Section 25/27 of the Arms Act, and, Sections 103(1)/61 of the B.N.S., has also been registered at P.S. City Mahendergarh, against the complainant party.

6. Lastly, the learned counsel for the petitioners submits that, since the petitioners have been summoned under Section 319 of the Cr.P.C. and they are ready and willing to face the trial, therefore, their custodial interrogation is not required, and as such, they be granted the concession of anticipatory bail.

7. Notice of motion.

8. Mr. Rajesh Gaur, Addl. A.G., Haryana, waives service of notice on behalf of the respondent No.1-State.

9. Subject to requisite process fee being furnished by the learned counsel for the petitioner, notice be issued to the respondent No.2.

10. List on 25.11.2024, along with CRR-1952-2024.

11. In the meantime, the petitioners are directed to, within 10 days from today, surrender before the learned trial Court concerned/Duty Magistrate concerned, and, in case the petitioners surrender, they shall be released on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of the Court concerned.”

2. In reference to the directions (supra) the counsel for the petitioner has submitted that the petitioner had appeared before the trial Court concerned on 12.11.2024 and he has been extended the relief of interim regular bail.

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3. At this stage, Mr. R. C. Gugnani, Advocate, has caused appearance on behalf of the respondent No.2-complainant, through a validly executed power of attorney in his favour. The same is taken on record. Learned counsel opposes the grant of anticipatory bail to the petitioner. He further submits that the gravity of offence is also to be examined before granting the relief of pre-arrest bail to the petitioner.

4. This Court has considered the submissions made by the parties concerned and is of the view that the instant petition is amenable to be allowed as the petitioner has been summoned under Section 319 Cr.P.C. and his custodial interrogation is not required further as he has already caused appearance before the trial Court concerned in pursuance of the directions issued by this Court on 21.10.2024, therefore, the order dated 21.10.2024 is hereby, made **absolute**.

November 25, 2024*Rimpal***(KULDEEP TIWARI)
JUDGE**

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No