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2024:PHHC:159782



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60290-2024
DECIDED ON: 02.12.2024

ANKIT @ BHOLA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pragyat Bhardwaj, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.93, dated 23.03.2022, under Sections 148, 149, 302, 427, 452, 506, 120-B IPC and Section 25 of Arms Act (Sections 201 and 212 of IPC added later on), registered at Police Station Sadar Palwal, District Palwal.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“TO, Incharge Police Post Dighaut, District Palwal. Sir, it is requested that I am Akash son of Rajesh, resident of Dighaut, District Palwal, we are two brothers, Yashbir is my elder brother, of our family members Surender son of Rajender, Govind son of Gangacharan, Yogesh alias Tinku son of Gugal, resident of Dighot and Anand,

resident of Dakora, who seems to be Surender's brother-in-law and has been fighting with him for many yeals: Those who Surender etc. were holding a grudge against us regarding this. matter, who had threatened us many times that if we got a chance, we would destroy your family, keeping the grudge on this matter, Surender, Govind, Anand, Tinku conspired to destroy our family, Tekchand resident of Khedi, Neeraj. Pandit, resident of Faridpur, District Faridabad, Jagga resident of Chandhat, he is a villain type of man and is responsible for many murders and are criminals of robbery and dacoity and they have made a name for themselves by committing crimes and together they gave money to destroy our family and Tekchand etc. took money from Surendra etc. to kill us. Kailash's brothers. Pratap and Mahesh, resident Alawalpur dealer, resident Balai and along with him four unknown persons, yesterday on 22.03.2022 at around 12:00 noon, when I was standing at the wall of my uncle Dinesh's Nohra, that Kailash, Pratap, Mahesh, resident of Alawalpur, dealer resident of Balei and the names of four others, I don't know, came to our house in Nohra, my brother Yashbir and sonu son of Satbir, resident of Dighot, Sarfaraz son of Farcog resident of Dhinki, Hathin Engineer, Jaiveer son of Karan Singh R/o Korali who was the contractor because we were constructing a new house at Nohra had come to see him were Kailash, Pratap. Mahesh, the dealer and along with him four unknown names, all of whom had pistols in their hands and started firing from outside also. I immediately moved from the wall to the roof and everyone came from front to back firing bullets and hearing the sound of the bullet, Yashbir closed the door from the other side, they. all broke the door and started firing indiscriminately at my brothers Yashbir, Sonu,

Sarfaraz and Jaiveer sitting inside. After firing for a long time, they started saying that if any one of you survives today, they will kill you, when Kailash etc. started firing indiscriminately again, my brother Yashbir got hit by several bullets and Sarfaraz and Tasveer were also shot, my mother Gayatri Devi also came to the spot after hearing the sound of bullets, Kailash and others also fired bullets at my mother, she also narrowly escaped, after their departure Vikas son laggar, Kishan's son Dayaram also came at the right time and with their help, I put Yashbis, Sarfaraz, Jaiveer in my car and first referred Yashbir to Apex Hospital, Palwal, Doctor Saheb referred Yashbir to Sarvodaya Hospital, Faridabad. Leaving Sarfaraz and Jaiveer for treatment, we Drought Yashbir to the hospital from Sarvodaya Hospital. My brother Yashbir died during treatment, he died after being shot by Kailash, Pratap, Mahesh etc. who has killed my brother Yashbir by paying money to Tekchand, Neeraj, Jagga and hatching a conspiracy by Surrender, Gobind, Anand, Tinku, Kailash, Pratap, Mahesh, dealer and 4 unknown persons. Legal action be taken against them, this entire incident is recorded in our CCTV camera installed in Nohra. Sd/- Akash son of Rajesh, resident of Village Dighaut, District Palwal 8053491830. Police Proceedings: - Today information was received through telephone that Yashbir son of Rajesh, resident of village Dighot is admitted in Sarvodaya Hospital Sector 8 Faridabad due to bullet injury, after receiving the information myself SI along with SPO Joginder No. 242, reached Police Station sector 8 Faridabad, from where after getting slip from the Doctor, Leached Sarvodaya Hospital Sector 8 Faridabad, from where MLR No.2F200320221300, in which the Doctor has recorded 7 injuries. After obtaining MR, SI obtained a written.

opinion about injured Yashbir from Doctor, in which Doctor has mentioned that the injured was not capable of giving a statement, after waiting there for a long time, Akash son of Rajesh, resident of village Dighot, district Palwal together presented an application. Keeping in view of the contents. of the application submitted by injured and MIR, offence under Section 148, 149, 302, 307, 427, 452, 306, 120 -B, of IPC and under Sections 25, 54 and 59 of Arms Act have been found made out. That statement is being send to the police station through SPO Joginder No. 242 for registration of FIR, after registration of case number of the same may be informed, in the case special reports may be prepared and sent for the kind perusal of senior officers, that myself I am busying in Sarvodya Hospital Faridabad, permission may be granted for investigation. Today at Sarvidya Hospital Faridabad I/C Police Post Dighaut Police Station Sadar Palwal Dated 23.03.2022. Today at Police Station:- Upon receipt. of above, mentioned statement case Number No. 93, dated 23. 03.2023, under Sections 148, 1.49, 302, 307, 427, 452, 506, 120-B Of IPC and under Sections 25, 54 and 59 of Arms Act was registered at Police Station Sadar Palwal. Copies of FIR were prepared in CCTNS COMPUTER, Special reports are being sent through special messenger C. Ankit NO. 527/Palwal for the kind perusal of Ilaga Magistrate and senior officers. Copy of Police file along with criginal statement is being sent through arrived SPO to responsible IO at the spot. Note: - This case has been registered in the presence of ASI Ashok Kumar. That since ID Of ASI Ashok Kumar is not available in CCINS COMPUTER So same has ben registered in the I.D. of HC SUKHBIR SINGH. IO n the

present case is ASI Ashok Kumar. Due to technical fault in CCINS, this case has been registered with delay.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the petitioner was present at the farm house of co-accused Monu Bhardwaj along with main conspirator Neeraj Pandit where conspiracy of murder was hatched among the accused persons. He further contends that the petitioner was not named in the instant FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of co-accused persons. He points out that no overt act has been attributed to the petitioner. He further submitted that the co-accused of the petitioner, namely, Rajender @ Singh Sahab, Rahul, Narvir @ Bhola, Atul Imran Malik, Ankit and Rajat have been granted the concession of bail by this Court vide orders dated 29.05.2024, 31.05.2024, 31.05.2024, 30.08.2024, 03.07.2024 and 17.07.2024 passed in CRM-M-24873-2024, CRM-M-26845-2024, CRM-M-27067-2024, CRM-M-40895-2024, CRM-M-28401-2024, CRM-M-28521-2024 and CRM-M-34951-2024 respectively (Annexure P-11 colly).

On behalf of the State

On the other hand, learned State counsel prays for dismissal of the present petition on the ground that the allegations against the petitioner are serious in nature, but he could not put forth any incriminating material to connect the petitioner with the commissioning of offence.

4. Analysis

Be that as it may, having given a considerable thought to the

fact other co-accused persons have already been granted the concessions of

bail and no incriminating material is available with the prosecution to connect the petitioner with the alleged commissioning of offence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

02.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No