

214

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1054-2024 (O&M)
Date of Decision:- 29.02.2024

DEEPAK KUMAR

....Petitioner(s)

Versus

THE STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. R.K. Chaudhary, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C., the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
169	13.04.2023	148, 149, 285, 302 and 120-B IPC; 25(1-B) (a) of the Arms Act	City Sohna, Gurugram,

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent. He submits that petitioner is not named in the FIR and has been falsely implicated in this case on the disclosure statements

of co-accused Ajay @ Ajju and Pawan. He further submits that the petitioner has no criminal antecedents and is ready to join the investigation.

3. *Per contra*, learned State counsel while referring to the status report dated 27.01.2024, submits that the petitioner along with one Abhishek had conducted the reeve and provided the location of deceased-Gianender and had taken co-accused Abhishek and Bharat @ Bhushan in his car to the place of occurrence. Moreover, as per call details record, the location of the petitioner has been found to be of the place of occurrence. Learned State counsel submits that custodial interrogation of the petitioner is required to recover the black colour Scorpio vehicle used by him in the crime and for obtaining information about other accused.

4. After considering the rival contentions and perusing the record, it transpires that on 12.04.2023, complainant Lalit along with his cousin Gianender had come to their farmhouse situated on Sohna-Palwal Road. At about 05:30 PM, three vehicles i.e. one black Scorpio, one white Venue and one white Baleno came there, out of which 15-20 persons alighted. Two persons took the complainant on gun point and made him sit on the ground. The other accused attacked the deceased and murdered him by inflicting various blows with their respective weapons. Thereafter the FIR was registered and during investigation, co-accused Ajay @ Ajju and Pawan were arrested, who suffered their disclosure statements implicating the petitioner.

5. No doubt the petitioner is not named in the FIR but that itself is not sufficient to grant him anticipatory bail. A perusal of record would

reveal that during the course of the investigation of the co-accused it has specifically been surfaced that the petitioner along with co-accused Abhisekh had conducted reeve and provided the location of the deceased Gianender to the main accused Bharat @ Bhushan by calling him on his mobile number. The petitioner happens to be his cousin and had taken the accused Abhisekh and Bharat @ Bhushan in his vehicle who ultimately killed the deceased. This apart, during the course of investigation the call details records of the petitioner also shows his presence at the place of occurrence at the relevant time.

6. Resultantly, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of concession of anticipatory bail, as a consequent, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.02.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |