

2025:PHHC:046829



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-9582-2025

Date of decision: April 05, 2025

DEEPAK @ DEEPU @ BHOLA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Bains, Advocate and
Mr. Ravinder Lather, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.0722 dated 22.11.2023 (Annexure P-1) under Sections 120-B, 307, 323, 34 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station Bhiwani Sadar, District Bhiwani.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR in question nor any suspicion was raised *qua* his involvement in the alleged occurrence; he came to be nominated subsequently in a supplementary statement made by the complainant after three days of the alleged occurrence. Learned counsel for the petitioner has argued that even in the supplementary statement, no role has been attributed to the petitioner other than that the petitioner had passed by the place of occurrence in his motorcycle.



3. Learned counsel for the petitioner submits that it is evidently a case of no evidence; no cogent evidence has been collected by the investigating agency to connect the petitioner with the alleged occurrence.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that after the charges were framed on 21.10.2024, none of 37 prosecution witnesses had been examined so far. However, learned State counsel submits that although the petitioner was nominated as an accused after three days of the alleged occurrence in a supplementary statement made by the complainant, he had done a *recce* of the spot and had therefore, conspired with the co-accused, who thereafter came and fired at the complainant.

5. On a pointed query put as to whether the petitioner has any previous criminal antecedents, learned State counsel, on instructions, has replied in the negative, which is evident from the custody certificate of the petitioner filed in the Court today.

6. I have heard learned counsel for the parties and perused the relevant material placed on record including the FIR, which stands reproduced hereinbelow:-

“At this time it is recorded that I, ASI along with my fellow employees, have come to the police station from Court Bhiwani, GH Bhiwani and PGIMS Rohtak etc., that today on 21.11.2023, in the report no. 6 dated 21.11.2023 from police post Mundhal, I, ASI along with HC Sushil Kumar 161 with government vehicle bearing regd. Number HR45B0100 driver SPO Rambir 42, was present in the Hon'ble court of Bhiwani, that a telephone call was received from the control room of Bhiwani



that a bullet has been fired in village Talu, on this information I, ASI along with my fellow employee in government vehicle, reached the spot of incident, at village Talu, where on receiving the information, the manager officer of police station Sadar Miwani and Dr. Vineet Incharge Scene of Crime Team Bhiwani along with staff have come to the spot of the incident, during the inspection of the incident, the doctor has found a live bullet on whose bottom BMM KF was written and a coin (bullet). whose separate sketch and memo with seal were prepared and were taken into police custody by Fard. Also, from the incident spot, a motorcycle bearing registration number HR-16AA-6678, make Hero black in colour, which was left by the accused and fled, was taken into police custody by Fard memo as evidence. During this time, a telephone call was received from PPGH Bhiwani that the accused Amarjeet son of Inder resident of Talu has been admitted in GH Bhiwani due to bullet injury. On this information, I, ASI along with fellow staff along with vehicle reached GH Bhiwani, where the medical certificate and MLR of the injured Amarjeet were obtained. And a Palanda and four vials of blood with papers and seal of the doctor were presented by the doctor, which were taken into police custody by Fard memo, which MLR No. AS/GH/BWN/09/2023 DT 21.11.2023 of Amarjeet, doctor has written a total of one injury FIRE ARM IF ANY and ADV CECT ABDOMEN/USG W/A/X-RAY ABDOMEN AND SURGEON OPINION, on which doctor has referred the victim to PGIMS Rohtak on the MLR itself, on which I ASI along with fellow staff along with the govt. vehicle reached the trauma center PGIMS Rohtak, where an application was written in writing about the victim, and presented to the doctor, on which doctor wrote victim is FIT FOR STATEMENT and information was sought about the victim Amarjeet, who was the victim Amarjit and his father Indra Singh was found present in the trauma center, on which the applicant Amarjit wrote that today on 21.11.2023 I cannot give my statement, I have difficulty in breathing, I will give my statement in a day or two, Amarjit and his father Indra Singh signed on the application. The officers were informed about the situation. The statements of the applicants will be obtained in future. According to which, in the FIR report no. 6 dated 21.11.2023, in the police station Mundhal, a live cartridge with BMM KF written on its bottom and a coin (bullet) or a motorcycle number HR- 16AA-6678, Hero, black in colour, which was left behind by the accused and fled from the scene, a Palanda Post and four bottles of blood with all the documents sealed by the doctor were presented as evidence by the Fard, which were taken into police custody by



the Fard and as per the goods case, the Fard handed over the goods to the Malkhana of Mohar police station. I ASI along with my fellow employee left for the spot. TRUE COPY ACTION POLICE -Yesterday on 21.11.2023, I ASI along with HC Sushil Kumar 161/BWN along with vehicle HR-45B-0100 driver SPO Rambir 42 had come to the Government Honorable Court, Miwani, then a telephone call was received from the control room Bhiwani on the official mobile number of the outpost that bullets have been fired in village Talu, upon receiving the information, I ASI along with my fellow employee along with the passenger vehicle reached the spot of incident, village Talu, where Mr. Vineet Indore, in-charge of Scene of Crime Team, reached the spot after receiving the information and Mr. Kuldeep Singh, Inspector Manager, Police Station Sadar Bhiwani also arrived at the spot. The victim party and no eyewitness of the spot was found present at the spot. The spot of incident was inspected by Mr. Vineet Indore, on whose instructions, a live rod, a coin and a The motorcycle was taken into police custody. Meanwhile, a telephone call was received from PPGH Bhiwani that Amarjeet S/O Inder Singh R/O Talu is admitted in GH Bhiwani due to bullet injury. On receiving this information, I ASI along with fellow police personnel reached PPGH Bhiwani and obtained the MLR and letter of the victim Amarjeet. The documents given by the doctor were also obtained, in which the doctor had referred the victim to PGIMS ROHTAK in the MLR itself. I ASI along with my fellow personnel reached PGIMS Rohtak and obtained the opinion of the doctor about the statement of the victim, which the doctor gave a written statement worthy of giving the statement of the victim, which was asked to go to ward no. 4 of PGIMS Rohtak and pay attention to the victim Amarjeet, but Amarjeet refused to give his statement and gave it to him separately. A written application was presented regarding not giving statement, on which the accused and his father also signed, on which the above report no.50 dated 21.11.2023 was registered at Police Station Sadar Bhiwani and the Palanda jaat taken as evidence which was deposited in the Malkhana. Today on 22.11.2023, as the incident was a serious crime, it was very important to take the statement, so ASI along with SPO Rambir reached PGIMS Rohtak in the 42nd passenger vehicle Government Tavera No. HR- 458-100 driver EHC Balwan 408, where accused Amarjeet was asked to give statement in relation to the incident, but accused and his father Indra Singh expressed their inability in writing about not giving statement, where the doctor was also present who also recorded his



written report on the refusal of the accused to give statement, which is related to the incident and it is very important to go to the spot and verify the circumstances. The ASI along with his colleagues reached the spot in the village talu in a government vehicle and verified the circumstances of the incident. The information about the incident was secretly collected from the spot and it was found that the victim Amarjeet was shot by unknown persons with the intention to kill him. From the secret verification done, it was found that the victim Amarjeet had sustained fire from the fire arms injuries described in the MILR of the victim Amarjeet, from the evidence collected from the spot and from the statement of the doctor, the crime under section 323,307,34 IPC and 25.54.59 Arms Act was found to be true. A written complaint is being sent to the police station of EHC Balwan 408 for registration of the case. After the case is registered, the case number is informed and the managing officer is informed about the circumstances by phone. Special report of the case should be sent to the officers and the area magistrate. For further investigation, a competent investigator should be made to appear at the spot. Today Village Talu SD-MANOJ ASI PP MUNDHAL DATE 22.11.2023 AT 09.15PM Today Police Station Hasv arrived at the police station after the complaint was passed by EHC Balwan 408, on the complaint, case number 722 dated 22.11.2023 under sections 323,307,34 IPC and 25.54.59 Arms Act was registered at Police Station Sadar Miyani, and a copy along with the original complaint is being sent to the spot by Arinda's personal ASI with the regularization note. For further investigation of the case, ASI Naresh Kumar 90 has been informed over telephone about reaching the spot at Bajaria. Special report of the case will be sent to the service of Bajaria email area magistrate and officers. This FIR is being registered in the presence of 51 Virendra 16/H."

7. The only role attributed to the petitioner is of having done a *recce* of the place of occurrence. Learned State counsel has not disputed that no motive has been attributed to the petitioner to have conspired with the co-accused. The trial is unlikely to conclude in the near future as none of the prosecution witnesses had been examined so far.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.
9. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 05, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No