

2025:PHHC:062228



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

**CRM M-9758 of 2025
Date of Decision:05.05.2025**

Parveen Chaudhary		...Petitioner
	Versus	
State of Haryana		... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gaurav Verma, Advocate, for the petitioner.

Mr. Gurmeet Singh AAG, Haryana.

Ms. Parul Saini, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S. with a prayer to grant him anticipatory bail in case FIR No. 0196 dated 20.03.2022 under Sections 364, 302, 346, 201, 34 and 120-B IPC registered at Police Station Kundli, District Sonipat.
2. The FIR in the present case was registered on the basis of the complaint filed by Sushila wife of Sunil and the same has been reproduced below:-

*“To, Mr. Superintendent of Police, Sonipat. Subject:
Application for registration of FIR. Sir, I request that I*

am Sushila, wife of Mr. Sunil, resident of village Akbarpur Barauta, Tehsil Rai, District Sonipat. My husband Sunil (Mobile No.- 9050139050) left home on 07-7-2021 without informing anyone and did not return. My husband Sunil used to stay out of the house for two months without informing anyone earlier also. Therefore, we thought that he would return home on his own. But when he did not come home for a long time, we tried a lot to find Sunil from our side. We also inquired in the neighborhood and also from all our relatives, but we could not find him anywhere. We made a lot of efforts to find him from our side but we are not able to find him. Therefore, now we want to take the help of the police administration. I now want to register an FIR in this matter. And I want that my husband Sunil should be traced as soon as possible. Therefore, I request you to register an FIR in the above case and trace my husband Sunil. Date- 14-03-2022 Sushila Applicant Sushila wife of Shri Sunil resident of village Akbarpur Barauta Tehsil Rai District Sonipat.”

3. Learned counsel for the petitioner contends that the FIR was initially registered against the unknown persons and there was no averment in the FIR, which connected the petitioner with the alleged crime. Even, Sunil (since deceased) husband of the complainant had gone missing on 07th July 2021, whereas the FIR was formally lodged on 20th March 2022 after a long delay. Even, as per the case of the prosecution, Sunil was drown in the river and on 08th July 2021 and after the recovery of the dead body, the postmortem was conducted on 12.07.2021. Even, the police could not ascertain the identity of the

deceased and the petitioner has been falsely involved in the present case. Learned counsel further contends that no finger was raised on the petitioner during the course of investigation and finally an untrace report was presented by the police. Still further, during the course of further investigation, the police is stated to have recorded the statement of Sunil son of Ran Singh, who had named the petitioner and other accused. Even, Sunil son of Ran Singh alleged eye witness made a statement under Section 164 Cr.P.C., however, such statement can never be termed as a credible evidence to involve the petitioner in such a heinous offence.

4. Learned counsel further contends that now after completion of investigation, challan has been presented on 27.09.2024 and the police could not collect any evidence except the statement of the alleged eye witness, namely, Sunil son of Ran Singh, recorded under Section 164 Cr.P.C. By referring to the order (Annexure P-3), learned counsel submits that Vipin Kumar, co-accused, has been granted the concession of bail by the Court of Additional Sessions Judge, Sonipat.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and his custodial interrogation is required in the peculiar facts and circumstances of the present case. Further, vide order dated 17.03.2025, this Court had directed the

Commissioner of Police, Sonipat to personally examine the file of the IO of the present case and to file his personal affidavit with regard to the status of the investigation in the present. In compliance of the said order, the status report has been filed by Commissioner of Police, Sonipat and as per the said report, sufficient incriminating evidence has been collected against the petitioner, warranting his custodial interrogation. Apart from that, the present petitioner is a hardened criminal and the following cases have been found to be registered against the petitioner:-

“(i) FIR No.277 dated 28.06.2021, under Sections 25/54/59, PS Sadar Sonipat, in which petitioner has already been declared as proclaimed person.

(ii) FIR No. 268 of 2003, Sections 307, 186, 353, 332 IPC, Police Station Enforcement Directorate Delhi, in which he stands acquitted on 07.06.2010.

(iii) FIR No. 270 of 2003 Sections 307, 353, 332, 186, 411, 34 IPC, Police Station Enforcement Directorate Delhi, in which he stands acquitted on 07.06.2010.

(iv) FIR No.171 of 2003, Section 395 IPC, Police Station Dorala, District Meerut, Uttar Pradesh.

(v) FIR No.149 dated 05.07.2002, Section 392 IPC and 25 Arms Act, Police Station Bilaspur, Gurugram”.

6. Still further, after the registration of the FIR under Section 346 IPC, sincere efforts were made to trace out the missing person, i.e., Sunil (since deceased), but his whereabouts could not known. Ultimately, the police presented an untrace report as no clue

about the whereabouts of said Sunil was found and in the untrace report itself, it was mentioned that in the future, if any clue is found about missing person, the case shall be investigated and the complainant was also informed. However, on 21.06.2024, the police officials were present at Rai (District Sonipat), a secret informer informed that Sunil son of Suresh (since deceased) had got apprehended Parveen son of Maheshbal (petitioner) alongwith illegal weapons on 28.06.2021. The secret informer further informed that after calling Sunil, petitioner alongwith his other companions had murdered him. During investigation, statements of Sunil @ Hakla and Anil were recorded under Section 164 Cr.P.C. Learned State counsel has referred to the averments made in paragraph 5 and 7 of the said status report in this regard and the same have been reproduced below:-

“5.That during investigation, said Sunil @ Hakla son of Ran Singh was joined in the investigation of present case, who stated to have witnessed the occurrence of murder of deceased Sunil son of Suresh. The brother of deceased Sunil namely Anil son of Suresh was also joined in the investigation of present case. Statements of said Sunil @ Hakla son of Ran Singh and Anil under Section 164 Cr.P.C. were got recorded before learned Judicial Magistrate. In his statement under Section 164 Cr.P.C. (Annexure-R1), said Sunil @ Hakla son of Ran Singh stated that in the year 2009, he was employed at a liquor vend in village Akbarpur Barota, Sonipat, where he developed friendship. After leaving the said job, he

started working in fish market, Panipat, where he became friend of Vipin, resident of village Bandpur, Baghpat, Uttar Pradesh and said Vipin also used to visit his house. Said Vipin asked him to drive the vehicle of his elder brother and assured to pay handsome salary. He further stated that deceased Sunil Kumar also started visiting said Vipin in village Bandpur, Baghat with him. He further stated that on 19.06.2021, his nephew was murdered, due to which brother of said Vipin namely Parveen had visited their house to mourn the death of his nephew and on that day, police had recovered illegal pistol from Parveen, in which he was granted bail after 2/3 days. Thereafter, Parveen had taken him (Sunil @ Hakla) to village Bandpur, Baghpat and blamed him to have given secret information for his apprehension by police, which was denied by him. Thereafter, Parveen had suspected Sunil son of Suresh in this regard. Said Sunil Hakla further stated that on 08.07.2021, Rambir called Sunil son of Suresh outside village Akbarpur Barota at 20th Mile Stone road, where Parveen, Vipin, Sonu and Vashu were already present in their vehicle and they had taken away/abducted Sunil son of Suresh from there. They took Sunil son of Suresh to a water plant in their fields at village Bandpur, Baghpat. At about 11.00/11.30 p.m., his hands and legs were tied and his entire clothes were removed and at that time, he (Sunil @ Hakla) was present at the said water plant itself and in his presence, said Parveen, Vipin, Sonu and Vashu had murdered Sunil son of Suresh by inflicting injuries to him with wooden batons. He had tried to rescue Sunil son of Suresh, but the culprits had also threatened to kill him and his family members. He

further stated that thereafter, said Sonu and Parveen took him in the village and locked him in a room and threatened to kill him, if the said incident was reported/disclosed to anyone. Thereafter, at about 4.00 a.m., said Parveen, Vipin, Sonu and Vashu came to him and on his enquiry about the dead body of deceased Sunil son of Suresh, they disclosed that they had thrown the dead body of deceased in the canal, but he is not exactly aware whether they had thrown the dead body of deceased in the canal or they had buried the same in the fields itself. Thereafter, at about 8.00 a.m., Rambir came with a bag and burnt the clothes etc., of Sunil son of Suresh in the fields. He also stated that presently, said Sonu and Vashu are confined in jail in Delhi in some theft and robbery case. He further stated that all these facts were not disclosed by him so far, as accused persons kept on/used to extend threats to kill him.

7. That thereafter, it was revealed that accused Sidhant @ Sonu and Akshay @ Vashu were confined in jail in another case bearing FIR No.459 of 2022, under Sections 323/394/354 IPC, Police Station GTB Enclave, Shahdra, Delhi, upon which their production warrants were got issued from the learned Court for 02.07.2024, on which date, accused Sidhant @ Sonu and Akshay @ Vashu were joined in the investigation of present case with the permission of learned Court and were arrested. On interrogated, accused Sidhant @ Sonu and Akshay @ Vashu suffered disclosure statements and admitted their guilt. In his disclosure statement, accused Akshay @ Vashu disclosed that in the year 2021, he along with co-accused Sidhant @ Sonu was working in Well Men Power Security Company of brother in law of Vipin son

of Subhash namely R.K. Singh, in which he used to collect the cash amount from the security companies and Sidhant Kumar (@ Sonu was posted as supervisor. On 08.07.2021, at about 10.00/11.00 a.m., Parveen Pardhan had visited the house of said Vipin son of Subhash and at that time, Parveen Pardhan was stating to Vipin son of Subhash about his apprehension by police in Sonipat with illegal weapon, when he had gone to mourn the death of nephew of Sunil @ Hakla namely Sagar on 28.06.2021 and was apprehended by police just after leaving the house of said Sunil @ Hakla and had stated that in this regard, the secret information behind his apprehension was given to Sonipat police by deceased Sunil son of Suresh and as such, he (Parveen Pardhan) had grudge against deceased Sunil son of Suresh. Thereafter, Vipin son of Subhash had also agreed with accused Parveen Chaudhary @ Pardhan and said Vipin son of Subhash had switched off their (Akshay @ Vashu and Sidhant @ Sonu) mobile phones and retained the same with him and sent both of them with accused Parveen Chaudhary @ Pardhan by stating that the said secret informer (deceased Sunil son of Suresh) has to be eliminated. He further disclosed that as per their conspiracy, uncle of Parveen Pardhan namely Rambir telephonically contacted deceased Sunil son of Suresh and called him at Biswa Mile road, Barota, Sonipat. Thereafter, at about 5.00/5.30 p.m., he along with Parveen Pardhan, Sidhant @ Sonu, Rambir and Vipin abducted deceased Sunil by boarding him in Scorpio vehicle bearing No.UP-17-6412 and took him to the water plant of Parveen Pardhan in the fields of village Bandpur, Baghpat. Accused Akshay @ Sonu further

disclosed that on the instructions of accused Parveen Pardhan, he had took out the mobile phone of Sunil son of Suresh and switched off the same. He caught hold of Sunil son of Suresh, while Parveen Pardhan and his brother Vipin son of Maheshbal had tied the hands and legs of deceased Sunil and thereafter, they inflicted injuries to deceased with wooden/baseball batons. In the meantime, Sunil @ Hakla son of Ran Singh had also reached there and on seeing the incident, he got perplexed and started crying. Thereafter, they also threatened to kill said Sunil @ Hakla also, if he would disclose this fact to anyone. After some time, Sunil son of Suresh had died. Thereafter, they put his dead body in the said Scorpio vehicle and took the same to Puthkhas bridge, Meerut-Baraut road and threw the dead body in the Gang canal. He also disclosed that after throwing the dead body in the canal, he had also thrown the purse of deceased near the bridge of said canal from the running vehicle. He also disclosed that the baton used at the time of occurrence was left at the said water plant itself, about which only accused Parveen Chaudhary @ Pardhan and his brother Vipin can disclose. Accused Akshay @ Vashu further disclosed that after throwing the dead body in the canal, he along with Parveen Pardhan and Sidhant @ Sonu had come to Haryana in the said Scorpio vehicle and Parveen @ Pardhan had thrown the mobile phone of deceased in a truck lying parked near Bahalgarh Chowk, Sonipat, so that police and family members of deceased Sunil could not know about the same. In pursuance of their disclosure statements, accused Sidhant @ Sonu and Akshay Vashu got demarcated the place of occurrence, the place i.e.

Puthkhas bridge, Gang canal at Meerut-Baraut road, Uttar Pradesh, where they had thrown the dead body of deceased Sunil son of Suresh in the Gang canal and the place from where deceased Sunil son of Suresh was abducted. The rough site plans of the said places were prepared and the place of occurrence i.e. water plant in the fields was inspected in the presence of FSL Team and its rough site plan was prepared. The disclosure statements of accused Sidhant @ Sonu and Akshay @ Vasu are annexed herewith as Annexure-R3 and Annexure-R4”.

7. Learned State counsel further submits that the dead body had been duly identified by the brother and uncle of the deceased and there was no dispute with regard to the said fact. Apart from that, Vipin Kumar, co-accused, was arrested in the present case and was granted the concession of regular bail. Thus, the petitioner cannot take advantage of the said order as his custody is required. Apart from that, during the investigation, it has been found that Scorpio vehicle bearing No.UP-17-6412 used in the crime was found registered in the name of the petitioner and the vehicle is yet to be recovered from the petitioner. He further contends that one special investigation team headed by Ms. Prabina P. IPS, DCP (East) Sonapat has been constituted to conduct a fair and impartial investigation in the present case. Still further, sufficient evidence has been collected against the petitioner, who was the main kingpin of the offence and had actively participated in killing Sunil. Even, he alongwith other co-accused inflicted the injuries to the deceased with baton and with a view to

destroy his dead body, his dead body was thrown in Gang canal. Even, the witnesses had specifically named the petitioner as principal accused and his custodial interrogation is required.

8. I have heard learned counsel for the parties and perused the record.

9. In the present case, from the affidavit filed by the Commissioner of Police, Sonapat, it is apparent that the investigation has been thoroughly examined by the Commissioner herself and from the report submitted by her, it is apparent that the police has been able to collect the sufficient evidence against the petitioner. Even, his custodial interrogation is required to recover the vehicle and the weapon used in the crime and to ascertain the involvement of other co-accused in the present case. Apart from that, the 'SIT' headed by a senior police officers has been constituted by the police and the custodial interrogation of the petitioner would be required for deeper probe and to take the investigation to logical end. Thus, keeping in view the gravity of the allegations against the petitioner, role assigned to him and the antecedents of the petitioner, he does not deserve the concession of bail. As a consequence, the petition is ordered to be dismissed.

05.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No