



CRM-M-12226-2025

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

CRM-M-12226-2025

Decided on: 05.03.2025

Rohit

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. PP, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 219 dated 06.09.2024, registered under Sections 103(1)/61 of BNS, 2023 and Sections 25/27 of Arms Act 54 of 1959, at Police Station City Mahendergarh, District Mahendergarh.

2. Succinctly facts of the case are that FIR in the present case has been lodged on the statement of the complainant, namely, Dinesh. It was alleged that he got married with Munni Devi in the year 1992 in village Sanjarwas, District Dadari. Son of his uncle (Tau) Maniram was also married in the same village to his wife's niece Itu Devi. Itu Devi is the daughter of his brother-in-law Jagdish. Itu Devi had two sons Rohit (petitioner) and Mohit. The complainant and his wife filed a complaint against Rohit and one Vishnu and regarding the same they were called at Sadar Police Station, Mahendergarh for recording of their statements. Then Mohit, Rohit, Parveen, Vishnu and Itu Devi came to the Police Station and abused his wife and threatened her. Earlier they had falsely implicated his wife and children in a case under Section 302 IPC. When the complainant



and his wife waiting for bus at Mahendergarh Bus Stand, these five persons alongwith others as part of the conspiracy arrived there. They were armed with pistols. Mohit approached his wife, abused her and shot her in her head. He took his wife to the hospital, however, the doctors declared her dead. It was alleged that all these accused in conspiracy with each other had killed her wife and thus, it was prayed that legal action be taken against the accused. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Narnaul, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 10.02.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that accused Mohit, Rahul, Devender, who had allegedly fired at the deceased have already been arrested and thus, they are behind the bars. He submits that challan has already been filed qua co-accused Mohit and Rahul, whereas, Devender being juvenile is facing trial before the Juvenile Justice Board. He submits that co-accused Jagdish has already been granted ad-interim anticipatory bail by this Court vide order dated 25.02.2025. He submits that case of the petitioner is similar to that of co-accused Jagdish. It is submitted that as per case of the prosecution, it is Mohit, who had allegedly fired at the deceased and not the petitioner. It is submitted that on perusal of the FIR, it is apparent that the petitioner was



not present at the crime scene i.e. the bus stand. He submits that conspiracy as alleged against the petitioner is totally based on the disclosure statements of Mohit and Rahul, which is not an admissible evidence. No recovery has to be made from the petitioner. He submits that there are general and vague allegations against the petitioner only to falsely implicate in this case. He has emphasized that the main allegations against the petitioner are totally based on the disclosure statements of the co-accused, which are replete with contradictions. He submits that no *prima facie* case as alleged is made out against the petitioner and thus, in the overall facts and circumstances, he deserves to be granted anticipatory bail.

4. Learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that there are specific allegations against the petitioner since beginning. He submits that both the complainant and the accused side are close relatives and they are already involved in their inter-se dispute. Thus, there is strong motive with the petitioner for the commission of offence as alleged. He submits that the petitioner is duly named in the FIR and he played an active role in commission of offence. It is submitted that case of co-accused Jagdish is distinguishable from that of the petitioner. He further submits that keeping in view of the gravity of the offence and the stage of the investigation, no case for grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is duly named in the FIR by the complainant. As per allegations, the petitioner alongwith co-accused had earlier approached the complainant and his deceased wife when they were at



Police Station for recording of their statements. The accused abused and threatened the wife of the complainant. Thereafter, when the complainant alongwith his wife was waiting for the bus at Bus Stand, the petitioner and the co-accused allegedly arrived there. It is at the Bus Stand, co-accused Mohit had allegedly shot the wife of the complainant who succumbed to the injuries. Thus, the contentions raised by counsel for the petitioner that the petitioner was not present at the time of occurrence is purely a matter of trial to be established on weighing the evidence to be led by the parties. However, *prime facie*, presence of the petitioner at the time of occurrence alongwith the co-accused is specifically alleged. The Court cannot ignore the factum of the gravity of the offence committed and the stage of the investigation. The Court also does not find the case of the petitioner at par with that of co-accused Jagdish, who has been granted anticipatory bail by this Court.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents

including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

05.03.2025 sharmila		(RAJESH BHARDWAJ)
		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No