



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-14272-2025
Date of decision: 18th March, 2025

Jitender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

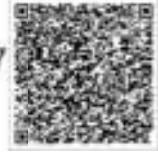
Present: Mr. Kamaldeep Kumar, Advocate for the petitioner.
Mr. Apoorv Garg, Sr. DAG, Haryana.
Dr. Pankaj Nanhera, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
78	09.02.2025	Indri, District Karnal	106 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’)

2. The aforementioned FIR had been registered on the basis of a complaint lodged by the complainant Mamta Rani on 09.02.2025 alleging therein that her husband Ramesh Kumar used to do labour work. On 05.02.2025, he received a telephonic call on his cell number. He left home after disclosing to the complainant that he had been called by the petitioner,



who is a lineman of Uttar Haryana Bijli Vitran Nigam (UHBVN) to do some labour work. She alleged that after sometime, information regarding her husband being electrocuted and admitted in hospital had been received. During the course of treatment, her husband succumbed to the burn injuries and had died. While holding the petitioner to be responsible for death of her husband, she prayed for taking action. A case under Section 106 of BNS was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Karnal which was dismissed vide order dated 06.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The victim used to do work on electric line unauthorisely. The petitioner had no motive to cause death of the victim. He himself is an employee of electricity department and there was no reason for him to ask the victim to climb at some electric pole where current was flowing and to get electrocuted. The probability of the victim climbing some electric pole at his own cannot be ruled out. The ingredients for commission of offence punishable under Section 106 of BNS are not attracted against him. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged the the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Apoorv Garg, Sr. DAG, Haryana has advance notice of the petition. At this stage, Dr. Pankaj Nanhera, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. Learned Senior



Deputy Advocate General, Haryana is ready to argue the matter. He assisted by learned counsel for the complainant has argued that the petitioner had insisted upon the victim to climb at a electric pole while fully knowing that the electric supply had not been disconnected by him and thereby caused the victim to sustain 50% of electric burns. The victim has died as a result of multiple burn injuries as sustained by him. There are serious allegations against the petitioner. His custodial interrogation is must for ascertaining his role in the incident and to elicit information to unravel the truth as to the fact as to how the victim who was not an employee of UHBVN was called by petitioner to work on an electric pole which was infact job of the petitioner. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The allegations against the petitioner are serious in nature. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. No such extra ordinary circumstance has been appeared to be made out in this case due to the reason that no explanation has been submitted by the petitioner, as to why, the victim who was not an employee of UHBVN had been called by him at the spot and was made to climb at



electric pole. The allegation that he had made a call to the victim before the incident has not been controverted. To elicit the truth, as to the manner in which the incident took place, custodial interrogation of the petitioner is must. Even otherwise, the case is at its nascent stage. For conducting thorough investigation, the petitioner is required to be interrogated. Keeping in view the nature of the allegations as levelled against him and the above discussed facts, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No