

2025.PHHC.021359



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62038-2024

Date of Decision: 14.02.2025

RAVINDER @ TANNI @ TARAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhijeet Chaudhary, Advocate
for the petitioner.

Mr. Dharam Pal, AAG, Haryana.

Mr. Rahul Singh, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.74 dated 21.02.2022 registered under Sections 302, 34 IPC, 1860 and Sections 25 and 29 of Arms Act, 1959 at Police Station Madhuban, District Karnal.

2. The present FIR came to be registered at the instance of Virender Singh alias Bunty S/o Vinod Kumar and the same reads as under:-

"To the S.H.O., Police Station Madhuban, District Karnal. Sir, it is requested that I, Virender alias Bunty son of Vinod Kumar, caste Goswami, am the resident of village Ucha Samana, District Karnal. We are two brothers and one sister. My younger brother Sumit was aged 23 years, who was working on the shop of goldsmith. Some days ago, my younger brother Sumit had told me in the house that he had a quarrel with Arjun son of Rampal,

Sandeep alias Koki son of Birampal, resident of Ucha Samana and Ravinder alias Tanni alias Tarun son of Rajbir, caste Jat, resident of Nurukheri. These three have taken vow to kill my brother Sumit. Yesterday on 20.02.2022 at about 9.00 PM, a phone call was received by my brother Sumit and he went out of the house in a nervous condition and today morning I came to know that his dead body has been found in a field near the tibble of Rampal. I enquired at my own level and came to know that the caller was Arjun son of Rampal, who had taken the phone No.8057116169 of the labourer Israr living in the shepherd's hut in the village and called my brother. Sandeep alias Koki and Ravinder alias Tanni alias Taurun were also with him. My brother Sumit has been murdered by Arjun, Sandeep alias Koki, Ravinder alias Tanni alias Tarun. I have identified the dead body of my brother Sumit, who has suffered the injury in his head and left side of his stomach. Action be taken against these three persons. Sd/- Virender."

3. During the course of investigation Anurag @ Arjun was arrested on 23.02.2022. He suffered his disclosure statement admitting to have committed the offence along with Ravinder @ Tanni @ Tarun (petitioner) and Sandeep @ Koki (granted bail vide order dated 28.10.2024 Annexure P-3). As per his confessional statement, while he had fired at the deceased with his country-made pistol, the petitioner had inflicted Danda blows on the head of Sumit whereas Sandeep @ Koki had inflicted leg and fist blows.

The petitioner and Sandeep @ Koki were arrested on 24.02.2022. On their arrest, they too suffered their disclosure statements admitting to have committed the offence in question and stated that they could get recovered the motorcycle used in the occurrence. They also admitted to have caused injuries on the person of the deceased and stated that Anurag @ Arjun had fired the fatal shot.

In pursuance to the disclosure statement of Anurag @ Arjun, he got recovered a country-made pistol 315 bore along with a motorcycle bearing Registration No.HR-06-AK-7850. The petitioner got recovered a Danda and a motorcycle bearing Registration No.HR-99KK-5009.

On 27.02.2022, co-accused Sahil alias Poli (granted bail vide order dated 13.09.2022 Annexure P-4) was arrested and admitted to have sold the country-made pistol to Anurag @ Arjun.

On 08.03.2022, one Sandeep S/o Dharam Singh produced a pen drive of a CCTV camera footage installed in the dairy of one Jai Singh. During the checking of the recording in the pen drive at 21:27:16 Sumit (deceased) was identified while walking on foot. At about 21:38:49 two young men were seen going on a Pulsar motorcycle and were identified as the petitioner and his co-accused Anurag @ Arjun whereas at about 21:38:51 two young persons were seen on a Splendor Motorcycle who were identified as Sandeep @ Koi and Sumit (deceased).

On conclusion of the investigation, the report under Section 173(2) Cr.P.C. came to be filed.

4. The learned counsel for the petitioner contends that no specific role has been attributed to the petitioner. His role, if any, has only arisen from a confessional statement made by his co-accused and by his own confessional statement as per which he is stated to have given stick blows on the person of the deceased. The said disclosure/confessional statements have little evidentiary value. Sandeep alias Koki has been granted bail by this Court vide order dated 28.10.2024 (Annexure P-3). It was Sandeep alias Koki who had

been seen in the CCTV footage riding a motorcycle on which the deceased was travelling. In addition, he contends that no grounds of arrest were communicated to the petitioner at the time of his arrest. As the petitioner was in custody since 23.02.2022 but only 02 of the 29 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail. Reliance is placed on the judgments in the cases of **Pankaj Bansal Versus Union of India, 2023(4) RCR (Criminal) 446**, **Prabir Purkayastha Versus State (NCT of Delhi), (2024) 8 Supreme Court Cases 254** and **Vihaan Kumar Versus State of Haryana & Another, SLP (Crl.) No.13320 of 2024**.

5. A reply dated 05.02.2025 by way of an affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, Karnal has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the case of Sandeep alias Koki was different from that of the petitioner. As per investigation, while Anurag alias Arjun had fired at the deceased, the petitioner had given stick blows on the person of the deceased which fact stands substantiated from the PMR showing a firearm injury as well as blunt force trauma. Sandeep alias Koki has been attributed kick and fist blows only. As regards the 'last seen' evidence, it was apparent that two motorcycles were travelling together, one on which the petitioner was riding along with co-accused Anurag alias Arjun and the other on which Sandeep alias Koki was riding with the deceased. Therefore, so far as the evidence of 'last seen' was

concerned, the cases of Sandeep alias Koki and the petitioner were similar. As regards, the non-supply of grounds of arrest, he contends that keeping in view the judgment in **Ram Kishore Arora Versus Directorate of Enforcement, 2024(1) RCR (Criminal) 317**, the law as laid down in **Pankaj Bansal** (supra), **Prabir Kurkayastha** (supra) and **Vihan Kumar** (supra) was to supply the grounds of arrest prospectively i.e. after 03.10.2023 and the petitioner having been arrested on 23.02.2022, the said judgments would have no applicability. He, therefore contends that the present petition was liable to be dismissed.

6. I have heard the learned counsel for the parties.
7. As per the case of the prosecution, all the three accused have been duly named in the FIR. On the arrest of Anurag alias Arjun, he suffered his disclosure statement according to which he had fired at the deceased whereas the petitioner had given him injuries with a stick. The postmortem report shows the following injuries:-

Examination of External Injuries			
Sr. No.	Injuries	Marked	Injury Number
1	A lacerated wound of size 4 cm x 1 cm was present on the left occipital region of scalp.	No.	1
2.	A reddish contusion of size 1 cm x 1 cm was present over the left side of chest wall which was situated on mid axillary line about 12 cm below axilla. On dissection underlying muscles and tissues were infiltrated with blood.	No	2
3.	Three linear reddish scratch marks of size 3 cm x 1 cm were present over the left side of neck.	No	3

4.	A lacerated punctured fire arm entry wound of size 1.5 cm in diameter circular at 5’0 clock position on left side of chest wall, 15 cm away from nipple, 20 cm away from midline and 110 cm from left heel. Clotted blood was present on and around the wound, wound margins were inverted inside and on further examination abrasion collar was present all around the wound. Blackening and tattooing was present around the wound. On dissection of this wound, it communicates below with the soft tissues and muscles lacerating them, passing through ribs and going medially and slightly upwards, perforating the lower pole of left kidney, diaphragm, posterior attachments of liver, lacerating it and then towards right kidney in the middle lobe. Through out the tract clotted blood was present. Peritoneum and retroperitoneum was filled with blood. A swelling measuring 4 cm x 3 cm with hard touch feel was appreciable at the right side of back which was situated 107 cm from right heel and 16 cm away from midline. On examination a copperish hard metallic bullet was recovered. There was no exit wound through skin.	No	4
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A perusal of the injuries would show that injuries 1, 2 and 3 have been caused with a blunt weapon such as a Lathi/stick duly shown to have been recovered from the petitioner whereas injury No.4 has been caused by a firearm and has been attributed to Anurag alias Arjun. Therefore, the case of the petitioner is distinguishable from that of Sandeep alias Koki. Even otherwise, in the order granting bail to Sandeep alias Koki, a Coordinate

Bench of this Court has observed that Anurag alias Arjun and petitioner were the main accused.

8. As regards the evidence of 'last seen', it may be pertinent to mention here that as per the CCTV footage supplied, in a span of two seconds, two motorcycles have gone past, one on which the petitioner along with Anurag alias Arjun and the other on which Sandeep alias Koki and the deceased Sumit were travelling. Therefore, the 'last seen' evidence of Sandeep alias Koki being seen along with deceased is similar to the evidence available against the petitioner which fact has also been substantiated from the phone records which show that all the accused were travelling together with the deceased at the relevant time.

9. As regards the argument raised by the learned counsel for the petitioner that the grounds of arrest were not supplied to the petitioner at the time of his arrest, it may be relevant to examine the various judgments on the subject.

The Hon'ble Supreme Court in **Pankaj Bansal** (supra) held that it was mandatory to supply written grounds of arrest to the arrested person and non-compliance would entail release of the accused person straightway. The relevant extract of the said judgment is as under:-

“32. That being so, there is no valid reason as to why a copy of such written grounds of arrest should not be furnished to the arrested person as a matter of course and without exception. There are two primary reasons as to why this would be the advisable course of action to be followed as a matter of principle. Firstly, in the event such grounds of arrest are orally read out to the arrested person or read by such person with nothing further and this fact is

disputed in a given case, it may boil down to the word of the arrested person against the word of the authorized officer as to whether or not there is due and proper compliance in this regard. In the case on hand, that is the situation insofar as Basant Bansal is concerned. Though the ED claims that witnesses were present and certified that the grounds of arrest were read out and explained to him in Hindi, that is neither here nor there as he did not sign the document. Non-compliance in this regard would entail release of the arrested person straightaway, as held in V. Senthil Balaji (supra). Such a precarious situation is easily avoided and the consequence thereof can be obviated very simply by furnishing the written grounds of arrest, as recorded by the authorized officer in terms of Section 19(1) of the Act of 2002, to the arrested person under due acknowledgment, instead of leaving it to the debatable ipse dixit of the authorized officer.

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35. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) of the Act of 2002 of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. The decisions of the Delhi High Court in Moin Akhtar Qureshi (supra) and the Bombay High Court in Chhagan Chandrakant Bhujbal (supra), which hold to the contrary, do not lay down the correct law. In the case on hand, the admitted position is that the ED's Investigating Officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfil compliance with the mandate of Article 22(1) of the Constitution and Section 19(1) of the Act of 2002, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) of the Act of 2002. Further, as already noted supra, the clandestine conduct of the ED in proceeding against the appellants, by recording the second ECIR immediately

after they secured interim protection in relation to the first ECIR, does not commend acceptance as it reeks of arbitrary exercise of power. In effect, the arrest of the appellants and, in consequence, their remand to the custody of the ED and, thereafter, to judicial custody, cannot be sustained.”

(emphasis supplied)

10. In **Ram Kishore Arora** (supra), while relying on para 35 of the aforementioned judgment, The Hon’ble Supreme Court held that the judgment in **Pankaj Bansal** (supra) would supply prospectively inasmuch as the grounds of arrest were required to be supplied only if the arrest was after 03.10.2023 i.e. the date when the judgment in **Pankaj Bansal** (supra) was passed. The relevant extract of the judgment in **Ram Kishore Arora** (supra) is as under:-

“23. As discernible from the judgment in Pankaj Bansal Case also noticing the inconsistent practice being followed by the officers arresting the persons under Section 19 of PMLA, directed to furnish the grounds of arrest in writing as a matter of course, "henceforth", meaning thereby from the date of the pronouncement of the judgment. The very use of the word "henceforth" implied that the said requirement of furnishing grounds of arrest in writing to the arrested person as soon as after his arrest was not the mandatory or obligatory till the date of the said judgment. The submission of the learned Senior Counsel Mr. Singhvi for the Appellant that the said judgment was required to be given effect retrospectively cannot be accepted when the judgment itself states that it would be necessary "henceforth" that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. Hence non furnishing of grounds of arrest in writing till the date of pronouncement of judgment in Pankaj Bansal case could neither be held to be illegal nor the action of

the concerned officer in not furnishing the same in writing could be faulted with. As such, the action of informing the person arrested about the grounds of his arrest is a sufficient compliance of Section 19 of PMLA as also Article 22(1) of the Constitution of India, as held in Vijay Madanlal (supra)."

(emphasis supplied)

11. In **Prabir Kurkayastha** (supra), The Hon'ble Supreme Court has considered both the aforementioned judgments and endorsed the view held in both. The relevant extract of the said judgment is as under:-

"44. It was the fervent contention of the learned ASG that in Ram Kishor Arora, a two-Judge Bench of this Court interpreted the judgment in Pankaj Bansal to be having a prospective effect and thus the ratio of Pankaj Bansal cannot come to the appellant's aid. Indisputably, the appellant herein was remanded to police custody on 4-10-2023 whereas the judgment in Pankaj Bansal was delivered on 3-10-2023. Merely on a conjectural submission regarding the late uploading of the judgment, the learned ASG cannot be permitted to argue that the ratio of Pankaj Bansal would not apply to the present case. Hence, the plea of Shri Raju, learned ASG that the judgment in Pankaj Bansal would not apply to the proceedings of remand made on 4-10-2023 is misconceived.

45. We are of the firm opinion that once this Court has interpreted the provisions of the statute in context to the constitutional scheme and has laid down that the grounds of arrest have to be conveyed to the accused in writing expeditiously, the said ratio becomes the law of the land binding on all the courts in the country by virtue of Article 141 of the Constitution of India."

(emphasis supplied)

12. In **Vihan Kumar** (supra) the law as laid down in the three aforementioned judgments has been affirmed and it has been held that once the grounds of arrest have not been supplied to the accused then his arrest is rendered illegal and he has to be released from custody immediately.

13. Thus, the proposition of law that emerges is that the grounds of arrest must be supplied in writing to an accused but the law as laid down in **Pankaj Bansal** (supra) is to supply is prospectively after 03.10.2023 i.e. the date on which the judgment in **Pankaj Bansal** (supra) was pronounced.

14. In the instant case, the petitioner was arrested on 23.02.2022, much prior to 03.10.2023 i.e. the date on which the judgment in **Pankaj Bansal** (supra) was pronounced. Therefore, he cannot get any benefit of the law as laid down in the aforementioned judgments.

15. The cumulative effect of the aforementioned discussion is that the petitioner is not entitled to the concession of bail and therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

14.02.2025

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No