



CRM-M-4036-2025

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

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CRM-M-4036-2025

Date of decision: 13th February, 2025

Abbu Salik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddarth, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 35 dated 29.01.2024 registered under Sections 302, 201, 120-B read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Sadar, Yamuna Nagar, District Yamuna Nagar.

2. As per the allegations, on 29.01.2024, on receipt of an information at the police station concerned regarding dead body of a person found lying at the bank of Yamuna canal, village Gulabgarh, a police party headed by Inspector Joginder rushed there. The complainant Mahender had also reached there by that time and identified the dead body to be that of his son Rajan. His statement was recorded. FIR was registered against unknown persons. Post-mortem examination of dead body was conducted. During the course of investigation, the accused Sahil Alvi was arrested. He was joined



into investigation and suffered a disclosure statement that he was indulged in the business of sale/purchase of illicit weapons. Previously, he was confined in Yamuna Nagar Jail, wherein he had met the present petitioner, who was previously a member of Mukim Kala Gang and then joined Bambiha Gang. He had inimical relations with one Manmohan Thakur and had been trying to take revenge from the former. The deceased Rajan Mehra was also in contact with them but neither he himself nor the petitioner were happy with him since he used to boast a lot and also used to proclaim that he had been having relations with notorious gangsters. The accused Sahil Alvi, further disclosed that whenever he made plans to eliminate Manmohan Thakur, the latter used to come to know about the same and he suspected that the victim-Rajan used to divulge those plans to Manmohan Thakur. Feeling offended, he had connived with the petitioner to kill the victim. They had contacted co-accused Naveen @ Gandhi and Firoz Khan through *Jangi App* on 27.01.2024 for committing murder of the victim and hatched a conspiracy in pursuance of which, the victim had been called by the co-accused Naveen Gandhi and Firoz Khan in Gulabgarh Park Area. At that time, the present petitioner and co-accused Arshdeep Gill, Lucky Patial and Zahir Singh were in active online contact with him through *Jangi App*. On arrival of the victim, they had initially involved him in a conversation and then accused Firoz Khan @ Khan Baba had fired a shot with a pistol on the head of the victim and then two more shots were fired by him i.e. accused Sahil Alvi upon Rajan Mehra. They had subsequently burnt the dead body to conceal the evidence of offence and to destroy the identification of the victim. In pursuance of his disclosure statement, the accused Sahil Alvi demarcated



place of occurrence.

3. On the basis of disclosure statement suffered by co-accused Sahil Alvi, the present petitioner was nominated as an accused. Apprehending his arrest, the present petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, which was dismissed vide order dated 18.12.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. His custodial interrogation is not required. No recovery is to be effected from him. Accordingly, it is urged that he deserves to be given benefit of pre-arrest bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused to kill the victim and in pursuance thereof, the victim was called at the spot of occurrence and was shot at and then his dead body had been burnt. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. The petitioner is a habitual offender since several other criminal cases are pending against him. He has even been convicted in another case under Section 302 of IPC and he is a gangster. His custodial interrogation is must for thorough investigation in the matter and to elicit information about the manner in which the crime was conducted. 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 petitioner by hatching a conspiracy with the co-accused is alleged to have murdered the victim Rajan Mehra on 28.01.2024. There are serious allegations against him. The custodial interrogation of the petitioner is required for eliciting the truth and the manner of committing subject offences as well as for conducting thorough investigation in the matter. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exceptional or extraordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th February, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No