

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

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**CRM-M-59449-2024 (O&M)**

**Date of Decision: 18.02.2025**

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Arun @ Anni

... Petitioner

VS.

State of Haryana

... Respondent

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**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**

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Present: Mr. PS Jammu, Advocate for the petitioner

Mr. Chetan Sharma, DAG Haryana

Mr. SS Sarwara, Advocate for

Mr. Manoj Tanwar, Advocate for respondents No.2 to 4

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**Sandeep Moudgil, J.**

**Relief claimed**

(1). This petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the petitioner in case FIR No.126 dated 28.12.2019 under Sections 148/149/341/427/302/120-B IPC and Section 27/54/59 of Arms Act, 11959 registered at Police Station City Mundkati, District Palwal.

**Facts**

(2). Facts as emerging in the FIR is reproduced as under:-

*“Application for taking legal action against Arun @ Anil s/o Khushi Ram, Vinod s/o Om Prakash, Yashveer s/o Harjeet, Dhanoj s/o Lakshaman and two others, all residents of Banchari. Sir, myself Lakharam s/o Govind Ram is r/o village Banchari. On dated 27.12.19, in evening around 8, I along with my elder son Mohit was going in car from village Banchari to my house in Hodal. When we reached at the phirni of village Bancheri near Harijan temple, then accused person on two motorcycle came and Parked the motorcycle in front of our car. We stop our car, then Vinod son of Om Prakash fixed the gun on my head*

*(kanpati per Banduk Thandi), Yasveer son of Harjeet caught hold me, Dhanoj son of Lakshman caught hold my son Mohit. Arun @ Ani who was having country-made pistol (Katta) in his hand hit the bullet on the neck below the ears. Other two accused hit Danda on our car. They can be identified, if brought in front of me. when I shouted, then accused person ran from the spot. Son of my chacha namely Hari Ram son of Daya Lal also came on the spot. Accused person left their motorcycle number HR-29-AG-7013 Splender on the spot and ran away. Around 7/8 months back, all accused persons had fight with my son Mohit on the occasion of Holi and all the accused persons were giving threat for seeing my son. Since then all the accused persons were keeping grudge with my son. When I along with the help of Hari Ram (son of my chacha) were taking my son Mohit to Palwal, Hospital, then he gave up his life (dum tod diya). Strict legal action be taken against the accused persons...”*

**Submissions of the petitioner**

(3). Learned counsel for the petitioner contends that co-accused Parmanand and Deepak have been allowed regular bail by this Court vide orders dated 02.03.2021 and 28.05.2021 passed in CRM-M-372-2021 and CRM-M-12328-2021 (Annexures P2 & P3, respectively) on the ground that the presence of complainant Lakha Ram at the spot was found to be doubtful and not only this, the child-in-conflict has also been allowed bail by the trial court on 29.07.2021. It is submitted that said accused persons were not specifically named in the FIR and rather during investigation, accused persons, namely, Vinod, Yashvir and Dhaunj were found to be innocent as they did not participate in the alleged occurrence.

(4). The argument on behalf of the petitioner raised is that it is a case of blind murder of deceased and role attributed to petitioner of shooting dead the deceased by country made pistol is palpably false, as complainant at the

time of alleged incident was present somewhere else and further the police investigating agency suppressed call detail record of the mobile phone of complainant in order to support the false version of complainant and that apart, complainant Lakha Ram is the only alleged witness to the occurrence and so far report from Ballistic Expert from FSL, Madhuban with regard to mutilated foreign body allegedly recovered from the body of deceased having been connected with the country made pistol has not been received.

(5). It is urged that the complainant represented the co-accused Parmanand as an Advocate in past but he made no reference of his name in the FIR, but in the supplementary statement, a role has been attributed to him of damaging the car of the complainant. Learned counsel pointed out that the petitioner is behind the bars since 28.12.2019 and so far only one prosecution witness namely Lakha Ram Sorout could be examined, whose further examination-in-chief has been deferred in view of filing of application under Section 319 CrPC and as such, the conclusion of trial is likely to take long.

**Stand of the State**

(6). Learned State counsel has filed the custody certificate dated 17.02.2025 which is taken on record, according to which, the petitioner has undergone 5 years 1 month and 20 days of custody. He submits that pursuant to submission of challan on 16.03.2020, charges have been framed on 26.03.2022 and out of total 22 PWs none except one prosecution witness has been examined till date. He submits that the petitioner has been involved in serious offence and there is apprehension that he may abscond or influence the witnesses since trial proceedings are going on. That apart, there are two

criminal cases already registered against the petitioner of which the trial in one case is still undergoing and in another, the petitioner has earned acquittal.

**Analysis**

(7). Heard learned counsel for the parties.

(8). As per the prosecution case, the petitioner is alleged to be explicitly identified as the shooter responsible for the deceased's death inasmuch as he was found to have inflicted a fatal firearm injury on the deceased's neck. Notwithstanding co-accused Parmanand and Deepak were granted bail by this Court that does not automatically accrue benefit upon the petitioner, as his case stands on a different footing and has its own merit, for, the fact that the petitioner is the primary accused which cannot be lost sight of. Notably, the co-accused were not linked to the injuries sustained by the deceased instead, they were accused of damaging the complainant's car.

(9). At this stage, the argument cannot be taken at face value, as it is a critical factual issue to be examined during the trial. The alleged clean chit given to co-accused Vinod, Yashvir, and Dhaunj by the police doesn't automatically warrant bail for the petitioner. The petitioner's incarceration since 28.12.2019 and the ground of pendency of the application under Section 319 CrPC, which stands dismissed vide even-dated order, do not outweigh the gravity of the allegations leveled against them. Although the FSL report from the Ballistic Expert is awaited, wherein it would be premature to speculate on the source of the metallic body found in the deceased's body.

(10). In the light of the above stated discussion and taking into consideration the gravity of the offence where a person has lost his life

particularly when the petitioner's name has figured as the prime accused, this Court finds no reason to grant the concession of regular bail to him.

(11). Accordingly, this petition is dismissed.

18.02.2025

*V.Vishal*

*1. Whether speaking/reasoned?*

*2. Whether reportable?*

**(Sandeep Moudgil)**  
**Judge**

*Yes/No*

*Yes/No*