

# Mahavir Singh Alias Bura Alias Bhura vs State Of Haryana on 18 March, 2025

Neutral Citation No:=2025:PHHC:036541

CRM-M-14433-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-14433-2025 (O&M)

Date of decision: 18.03.2025

Mahavir Singh @ Bura @ Bhura

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Siwach, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.139 dated 09.05.2024 under Sections 302, 34, 120-B, 216 of the Indian Penal Code, 1860 (for short 'IPC'), Sections 25(1-B)(a), 27, 29 of Arms Act, 1959 (for short 'Act of 1959') and Sections 42 & 45 of Prisons Act, 1894 (for short 'Act of 1894') (Sections 120-B & 216 of IPC, Sections 27 & 29 of Act of 1959 and 1 of 4 Neutral Citation No:=2025:PHHC:036541 Sections 42 & 45 of Act of 1894 were added later on), registered at Police Station City Jhajjar, District Jhajjar.

2. Briefly, the facts of the case are that FIR (supra) was registered on the basis of statement made by father of deceased Anuj, on the allegations that his son Anuj rented a shop near Punjabi Kitchen at Delhi Gate and set up his office. On 09.05.2024 at about 07.30/08.00, when he returned after evening walk, 3-4 boys were seen running towards Bahadurgarh along with their respective weapons in their hands and he heard a noise near the office of his son. On reaching there, he found his son Anuj soaked in blood, as he had bullet wounds. Thereafter, with the help of Praveen, Akash and some other persons, he took his son to Civil Hospital, Jhajjar for treatment, where the doctors declared him dead. His son had been shot dead by same 3-4 boys and he can identify them, if they come before him.

3. Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and he has been falsely implicated. The petitioner was not present at the spot at the time of occurrence and his name was only cropped up in the disclosure statement made by co-accused Dharmender @ Monu during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023). Further, in the disclosure statement made by co-accused, there is no 2 of 4 Neutral Citation No:=2025:PHHC:036541 mention or description of the weapon, which had been allegedly provided by the petitioner to him. There is no recovery to connect the petitioner with the alleged offence. Lastly, it is contended that even as per call details record, nothing has been found to indicate complicity of the petitioner in the alleged incident.

4. Per contra, learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner along with co-accused Akshay hatched a conspiracy to commit murder of Anuj Rao and in pursuance of the same, he supplied two pistols, four magazine and cartridges to co-accused Dharmender @ Monu and Ravinder, who committed murder of Anuj Rao. Further, the petitioner was in touch with Akshay on signal App, who is a dreaded criminal and is wanted in several cases. The petitioner is a member of Naresh @ Sethi gang.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Keeping in view the fact that there are serious allegations against the petitioner, this Court is of the view that his custodial interrogation is required to ascertain that from where, the petitioner has obtained the weapon, which was used in the commission of offence.

7. In view of the above and without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, no 3 of 4 Neutral Citation No:=2025:PHHC:036541 ground is made out to grant the concession of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

[ HARPREET SINGH BRAR ]  
JUDGE

18.03.2025  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No

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