

IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH

Lucky
2017.01.16 16:02

CRM No. M-534 of 2017 (O&M)

Date of Decision: 12.01.2017

Salim Khan

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Verma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.270 dated 20.12.2016 under sections 147, 148, 149, 302, 323, 506 I.P.C and Sections 3(2)(V) of the S.C./S.T. Act, registered at Police Station, Badhra, District Bhiwani.

Complainant in the present case is Mahesh son of Sita Ram. Deceased is his aunt namely Dani Devi. Occurrence is stated to be of 20.12.2016.

Counsel for the petitioner would vehemently contend that the main accused in the present case is Ved Veer and in so far as the present petitioner is concerned, the alleged role is of being present at the spot. Further contended that it is only a case of accidental death and would at best attract Section 304-A I.P.C.

Having heard counsel for the petitioner at length and having perused the FIR placed on record, I am of the considered view that the petitioner is not entitled to the concession of pre-arrest bail.

As per version of the complainant, the present petitioner along with other co-accused had beaten up complainant Mahesh on 20.12.2016 at

about 2 P.M. After a gap of almost 4/5 hours, the accused including the petitioner arrived at the house of complainant Mahesh in three separate vehicles and out of which one was being driven by the present petitioner. Thereupon, the accused party is alleged to have called out the complainant. At that point of time an altercation is stated to have taken place and *danda* blows were given on the back of the complainant. It is in such occurrence that the deceased Dani Devi had also intervened and who was given a *danda* blow by one of the accused and she having fallen down was run over by a vehicle which was being driven by Ved Veer, co-accused.

Undoubtedly, the complaint and FIR certainly points out towards Ved Veer being the main accused. Be that as it may, it is not an isolated occurrence and on the spur of the moment. The present petitioner along with other co-accused including Ved Veer had assaulted the complainant in the after noon hours on the date of occurrence i.e. 20.12.2016. In furtherance of a common object they had, thereafter, proceeded during the evening hours to the house of the complainant and had assaulted him and it is in such occurrence that the deceased being a lady having intervened in the matter, had lost her life.

There are direct allegations of the present petitioner being a member of such unlawful assembly and of having committed a heinous crime in prosecution of a common object.

In the light of such serious allegations and heinous crime, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

12.01.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No