

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

**Criminal Misc. No. M-5336 of 2019
Date of decision: 11.03.2019**

Gaurav @ Priyanka and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Bhisham Kumar Majoka, Advocate
for the petitioners.

Mr. R.S. Doon, AAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail to them in case FIR No.393 dated 28.11.2018 registered under Sections 147, 148, 149, 323, 302 read with Section 120-B IPC and Section 25 of the Arms Act at Police Station Kerki Daula, District Gurugram.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case. They have been involved as they were only standing at the place of occurrence. No specific role has been attributed to them and they are ready to join investigation.

Learned State counsel has opposed grant of anticipatory bail to the petitioners on the ground that the petitioners were specifically named in the FIR and the offence under Section 302 IPC is serious in nature. Learned State counsel further submits that in case, Sections 148 and 149 IPC are,

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individual role is not to be seen.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

On perusal of contents of the FIR, the petitioners have specifically been named in the FIR and it cannot be said at this stage that they were not involved as they were found to be standing at the place of occurrence. Sections 148 and 149 IPC have also been added and individual role is not to be seen. Moreover, they gave *danda* blows to the deceased and the complainant. The deceased died due to firing of shot given by co-accused.

Accordingly, by considering the nature of offence and specific mentioning of names of the petitioners, no ground is made out to release the petitioners on anticipatory bail.

Dismissed.

11.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No