

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

CRM-M-33945-2021 (O&M)
Date of Decision:- 11.10.2021

Satyabir Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Hundal, Senior Advocate with
Mr. Premjit S. Hundal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Shiv Kumar.

Mr. D.S.Nirban, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 180 dated 5.6.2018 under Sections 279/337/304/420/212/120-B IPC at Police Station Kanina, District Mahendergarh.
2. The FIR was lodged at the instance of Dharambir wherein it has been stated that on 4.6.2018 his nephew Rinku alongwith Pankaj was going on a motorcycle which was being driven by Rinku. The complainant and Suresh Kumar were also on a motorcycle, a little behind them. It is alleged that a pick-up van came from opposite side which was being driven at a high speed and in a negligent and rash manner and hit against the motorcycle driven by complainant's nephew, as a result of which complainant's nephew Rinku and Pankaj sustained injuries. While Pankaj died at the spot, Rinku breathed his

last in the hospital. It is alleged that the pick-up van, which was without number plate sped away from the spot. Although, initially the FIR was registered for offences under Sections 279 and 304-A IPC but later offence under Section 304 IPC was added in place of offence under Section 304-A IPC on the basis of an application dated 29.6.2018 moved by Dharambir/complainant to the Investigating Officer stating therein that the offending vehicle was bearing registration No. HR-61-9200 and that infact the driver after causing the accident had reversed his vehicle and had run his vehicle over the injured to ensure that they are killed.

3. The name of owner of the offending vehicle was found to be Hanuman. The offending vehicle i.e. HR-61-9200 was found to be driven by Sandeep son of Hanuman at the time of accident. It is the case of prosecution that the driver Sandeep is brother-in-law of one Sunil and the petitioner, who is an Advocate, is elder brother of Sunil. It is the case of prosecution that the petitioner, who is an Advocate, had conspired with the main accused and in order to help him had planned to destroy the vehicle in question and in execution of the plan, the vehicle in question is stated to have been sold to Sunil by way of an affidavit dated 8.3.2018 and said Sunil vide agreement dated 20.5.2018, had given the vehicle to one Shri Bhagwan who is a client of Satyavir, Advocate on monthly rent of ₹10,000/- and later Shri Bhagwan got a false FIR lodged i.e. FIR No.042164 dated 27.11.2018 at Police Station, Rajori Garden, West Delhi to the effect that his vehicle had been stolen though the same had never been stolen. Later, Shri Bhagwan sold the pick-up van as scrap to a scrap-vendor to save Sandeep from legal consequences and the vehicle had, thus, been destroyed.

4. The learned counsel for the petitioner submits that even if the entire case of the prosecution is taken to be correct, still the petitioner cannot, in any manner, be held responsible and liable for commission of any offence under Section 304 IPC and at best could be held liable for offences under Section 201 or 206 IPC for having destroyed evidence or property in order to help brother-in-law of his younger brother, both of which are bailable offences.
5. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that the petitioner, being an Advocate, was in league with co-accused and had masterminded the destruction of evidence and since he had also been declared a proclaimed offender, no case for grant of anticipatory bail is made out.
6. I have considered rival submissions addressed before this Court.
7. As far as the contention of the State counsel to the effect that the petitioner had earlier been declared a proclaimed offender is concerned, it needs to be noticed that operation of said order declaring the petitioner as proclaimed offender has already been stayed by this Court vide order dated 17.8.2021 (Annexure P-1/A) passed in CRM-M-33230-2021 wherein the validity of said proclamation order has been challenged. It is not in dispute that the petitioner was nowhere in picture when the accident had taken place and apparently cannot be held liable for commission of offence under Section 304 IPC. The petitioner, from the facts which have been brought to the notice of this Court could, at best, be held responsible for having masterminded the destruction of the pick-up van, which was case property and material evidence and could even have been forfeited. The said offences would attract penal provisions of Section 201 or 206 IPC, which in any case,

are bailable offences. Though, the petitioner may also be held liable for rest of the offences with the aid of Section 120 IPC but the same would be a matter to be decided when the entire evidence is led before the trial Court.

8. Having regard to the totality of the facts and circumstances of the case, in my opinion, it is a fit case for grant of anticipatory bail.
9. The petition, as such, is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

11.10.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No