

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(104)

CRM-M-7331-2022

Date of Decision : February 22, 2022

Suresh

.. Petitioner

Versus

State of Haryana

.. Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Bhupander Ghanghas, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.  
(keeping in view the advance copy given).

**HARSIMRAN SINGH SETHI J. (ORAL)**

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No. 220 dated 29.11.2021 registered under Sections 109, 147, 149, 323, 307 and 302 of the IPC, 1860 at Police Station Loharu, District Bhiwani.

Learned counsel for the petitioner submits that as per the allegations alleged in the FIR, the deceased died after he was run over by a vehicle, driven by the other co-accused. Learned counsel for the petitioner further submits that as the petitioner was only present at the site and there are no specific allegations, which will amount to committing any crime, the petitioner may kindly be extended the benefit of anticipatory bail as he is

ready to join the investigation and cooperate with the same.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana., who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that there was a fight between the two parties and as per the allegations, the deceased was run over by the co-accused at the instigation of the petitioner, who had directed the said co-accused to drive the vehicle over the said deceased, which act was performed by the co-accused and the deceased had suffered 19 injuries at the hands of the petitioner and other co-accused before she succumbed to her injuries. Learned counsel for the respondent-State further submits that as the investigation is not over in the present case and the Investigating Agency needs stern hands given the seriousness of the crime, the prayer of the petitioner for the grant of anticipatory bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, there is a specific allegation against the petitioner that it was upon the instigation of the the petitioner that the deceased was run over by the other co-accused. The presence of the petitioner at the site is not denied.

Keeping in view the fact that there was an unlawful assembly, which has resulted into the injuries and death of a person, at this stage, while considering the prayer for the grant of anticipatory bail, the individual

role cannot be gone into keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in **Criminal Appeal No.571 of 2021 titled as Kumer Singh versus State of Rajasthan and another, decided on 20.07.2021**, relevant paragraph of which judgment is as under:-

*14. The submission on behalf of the accused that the accused were alleged to have been armed with lathis and therefore they were released on bail is concerned, at the outset, it is required to be noted that all the accused are charged for the offences punishable under [Sections 302](#) and [307](#) read with [Section 149](#) of the IPC. At this stage, the individual role of the accused is not required to be considered when they are alleged to have been the part of the unlawful assembly. There were 26 injuries found on the dead body of the deceased and 11 injuries on the injured Vikram Singh by blunt and sharp weapons. Therefore, merely because they were armed with lathis cannot be a ground to release them on bail, in the facts and circumstances of the case, more particularly when they are charged for the offences punishable under [Sections 302](#) and [307](#) read with [Section 149](#) of the IPC as well as [Sections 147](#) and [148](#) of the IPC.”*

No ground is made out to grant the benefit of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 22, 2022  
*harsha*

(HARSIMRAN SINGH SETHI)  
JUDGE

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