

CRM-M-17586 of 2023

2023:PHHC:056769

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

CRM-M-17586 of 2023

Date of decision: 20.04.2023

Bintu Singhmar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Manjeet Singh, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Parmod K. Parmar, Advocate, for the complainant.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.253 dated 26.08.2021 under Sections 147, 148, 302 IPC (Section 147 IPC was deleted and Sections 149 & 506 IPC were added during investigation), registered at Police Station Siwani, District Bhiwani, as the petitioner has been summoned to face trial by the trial Court vide order dated 06.10.2022.

2. Brief facts of the case are that complainant Mukesh s/o Asbeer Singh gave his statement to police disclosing that his brother Pawan Kumar had committed suicide nearly 10-11 years ago. His

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father Asbeer Singh was Ex-Sarpanch. His father had got a criminal case registered against Bhagirath son of Kehra Ram and Ramlal son of Hardwari etc. for abetment to commit suicide by Pawan. However, the accused were acquitted. An appeal against the judgment of acquittal is pending. Due to that enmity, a quarrel took place between them and many cases were registered against both the parties. On 25.08.2021, at about 07.00 p.m., his father Asbir Singh was returning from the fields and when he reached near the house of Ramlal son of Hardwari, accused namely Sonu, Surender son of Suraj Bhan @ Surja Ram, Amit son of Birja Ram, petitioner-Bintu, Ravinder @ Chotu son of Desraj and Bijender @ Sombir son of Rajbir who already assembled at the house of Sonu @ Lal Bahadur, came outside and encircled his father. Sonu, **petitioner-Bintu, Ravinder and Sombir were armed with lathi**, whereas Surender son of Surja Ram was armed with an iron rod and Amit was armed with Kulhari. At that time, Ashish son of Pawan Kumar was sitting at the spot. He raised alarm that “mere dada ko mar diya” on listening which he reached at the spot and in his presence Sonu son of Chet Ram gave lathi blow on thigh of his father, Surender Son of Surja Ram gave an iron blow on the head of his father, Amit son of Birja Ram gave Kulhari blow on the head of his father, due to which his father fell down. **Then petitioner-Bintu, Ravinder @ Chotu and Bijender @ Sombir and others gave injuries to his father on his head and other parts of the body.** When he raised alarm then Indu daughter of Pawan Kumar and some others women of the locality came there. The accused fled away from the spot alongwith their weapons.

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He got his father admitted at Jindal Hospital, Hisar, where the doctor declared him dead. He prayed to take appropriate action against accused persons. On the basis of this information, the instant FIR was registered against the accused persons under Sections 147/302/506 read with Section 149 of IPC. The petitioner has been summoned as additional accused as per provision of Section 319 of Cr.P.C.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case as he has not committed any offence. He further submitted that during investigation petitioner was found innocent. He further submitted that nothing is to be recovered from the petitioner and he is ready and willing to join the investigation.

4. Per contra, learned State counsel, assisted by learned counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that specific role has been attributed to him. Therefore, he does not deserve the concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

6. There are specific allegations against the petitioner that he along with co-accused caused injuries on the person of father of the complainant, namely, Asbeer Singh, which resulted into his death. Moreover, in the present case PO proceedings are going on against the petitioner.

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7. Keeping in view the gravity of offence, seriousness of allegations against the petitioner and the fact that he is an absconder, petitioner does not deserve the concession of anticipatory bail.
8. Dismissed.
9. However, nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

20.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No