

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-7869-2024
Date of decision : 27.02.2024

Bantu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Raman Chawla, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of pre-arrest bail in FIR No.1339 dated 22.12.2023, registered for offences punishable under Sections 307, 323, 506 and 34 of IPC, 1860 at Police Station Sadar Hisar, District Hisar.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Jugal Singh son of Tara Singh resident of Peeranwali aged about 26 years Mobile no. 8307755869. Stated that I am resident of the above noted addresses. On 20.12.23, at around 9.00 PM, I was at my shop, at that time Rajvinder alias Sinku, son of Jeet Singh and Bantu alias Bunty, son of Gurdeep Singh resident of Peeranwali, came in front of my saloon shop in their car Sonet bearing no. HR20AX-4817, and started abusing, then I and my brother Surendra Singh son of Tara Singh came to our house and then after about 30 minutes Babbu son Prem Singh resident of Peerawali came to our house for giving the key of saloon. Then Rajvinder alias Sinku and his friend Bantu alias Bunty both came behind Babbu in a car. Rajvinder alias Sinku was driving the car. Bantu alias Bunty was sitting with him. Then both Rajvindra alias Sinku and Bantu alias

Bunty started abusing Babbu. After that they started abusing us. On hearing the abuse, my brother Surendra son of Tara Singh came to the street to leave the house. Then, Rajvinder alias Sinku was driving the car and Bantu was sitting with him. Then Rajvinder by using his car with the intention of ramming the car to kill both of us, my brother Surendra happened to be on the side and I caught hold of the bonnet, but Rajvinder alias Sinku dragged me on the bonnet in front of the car and hit me with an electric pole. My life was saved with great difficulty, then they pelleted the stone. Rajvinder alias Sinku and Bantu alias Bunty have rammed their car with the intention of killing me. The reason is the rivalry that there was a fight with Dalip Singh son of Sarpanch, and in which we have not supported more at that time, then they are holding grudges, the statement is written, heard, which is correct.”

3. The allegation against the petitioner is that he was sitting in a car driven by co-accused, who first try to ram the car into the victim and thereafter dragged him for certain distance.

4. Counsel for the petitioner submits that so far as the petitioner is concerned, there is no intent as he was merely sitting on the adjoining seat. However as per FIR, it is alleged that apart from this incident involving dragging the victim from the car, there was a prior incident between the parties in which complainant party has not supported the co-accused. For this reason, the petitioner as well as co-accused went to the house of victim and caused the aforesaid incident.

5. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering his prayer for pre-arrest bail has to weigh whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges amd the role attributed to the applicant and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.
6. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.
7. Keeping in view the serious allegations levelled, the fact that victim has been assaulted for not supporting the petitioner party in earlier case, this Court does not find it to be a fit case for grant of discretionary relief of pre-arrest bail.
8. Consequently, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

27.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No