

CRM-M-44560-2024

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

CRM-M-44560-2024
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Rohit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	23.07.2024	Baldev Nagar, District Ambala	105 BNS and Sections 117(2) & 3(5) of BNS added later on

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are taken from the reply dated 14.10.2024, which reads as follows:

"3. That the present FIR was registered on the statement of Gurpal Singh alias Jasvinder Singh r/o Village Darwa P.S. Ghannaur District Patiala. The facts in detail have been given in the FIR and copy of FIR is annexed as Annexure P-1, hence, the facts in details are not repeated herein for the sake of brevity. However the brief facts re as under:-

"I am mentioned address, and driver resident of above- illiterate and work JCB machine. My uncle (MAMA) son named Manish had called me on 21 July 2024, and asked to come to Rajpura, Punjab. That I had reached Rajpura at about 11 AM, where the son of my uncle Manish met me at Rajpura Baba, turn on his motorcycle number PB11 BJ 7594. Maniah had a dispute with his wife Baby which was resolved between both the parties about 10 days ago. That my uncle's son Manish was perturbed because of this. Both of us decided after discussion that would meet Baby's brother Bunty, who runs barber's shop at village Lohgarh, District Ambala and

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talk to him. That both of us while riding on Manish's motorcycle reached Bunty's barber shop at Lohgarh at about 6 PM, where we had a verbal spat with Bunty and took our motorcycle and left from there. That I was driving the motorcycle. That we were being followed by Manish's brother-in-law, Bunty, and other person armed with rod in their hand with an intention to hit us. That while saving ourselves, reached Cantt. while passing through Manji Sahib Gurdwara and Baldev Nagar flyover. Then Bunty and the person accompanying him launched an attack on us while being on the motorcycle and one rod hit while my shoulder. That I turned the motorcycle towards the city immediately after driving down from Baldev Nagar flyover. That they brought their motorcycle alongside and while driving attacked with rod. I tried to balance the motorcycle, but they hit me with rod upon reaching the Baldev Nagar Link Road, then account of imbalance of the motorcycle, hit the motorcycle in the car bearing number HR-50C-4153 make Ertiga, which parked the aide and upon hitting both of us fell down from the motorcycle. That uncle's (Mama) son Manish suffered many injuries, and I also suffered many injuries falling from motorcycle. That Manish lost consciousness falling from where ambulance brought to civil Hospital, Ambala city, where after checking Manish, the doctor declared dead. That the death of my uncle's Manish has happened because of injuries caused being attacked with rod on moving motorcycle by his brother-in-law, Bunty and falling from the motorcycle. That strict legal action be taken against Bunty and the person along with him. That I have given my statement, consciously, heard it and which is correct."

4. Petitioner seeks bail on the following grounds:-

i) that there was no motive for the petitioner to commit offence and he had no connection with the dispute.

ii) that it was a case of accident which has been given colour of murder.

iii) that even if everything is accepted, still it is a case of Section 61 of BNS.

iv) that rod was recovered from Bunty, not from the petitioner.

v) that even if everything is taken, petitioner was only driver of motorcycle, it would not be implied any mens rea.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to following portion of the reply, which reads as follows:-

"That during investigation it was found that petitioner-accused was accompanying co-accused Naresh Kumar alias Bunty on his motor cycle

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at the time of incident and co-accused Naresh Kumar alias Bunty has specifically named petitioner-accused in his disclosure statement.”

REASONING:

8. Analysis of the above arguments would lead to the following outcome.

9. It is a case of anticipatory bail where allegations are of culpable homicide not amounting to murder and the offence is under Section 105 BNS itself. As per the investigation conducted so far, the petitioner allegedly maneuvered the vehicle in such a way that Bunty was able to come closure to the motorcycle and its driver and pillion rider. Although the evidence at this stage is not much but it is also not that less which would entitle the petitioner for bail. Needless to say that parameters of anticipatory bail and regular bail are different and it is a case where one person had died and one injured and the petitioner's complicity is clear because of his driving vehicle in such a way that Bunty would be able to inflict injuries to the motorcycle driver and pillion rider in which he was successful. The petitioner might take up plea that he was not the main accused at the time of regular bail but his custodial interrogation is required to find out the evidence of criminal conspiracy and petitioner's location and interaction with co-accused, as such given the gravity of offence and the evidence collected so far, it is not a case of anticipatory bail.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.