

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11204 of 2015 (O&M)
Date of decision: April 23, 2015

Vinod Jain

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Petitioner in person.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 342, 353, 186, 323, 506 IPC and also Contempt of Court Act, at Police Station Division No.3, District Ludhiana City, vide FIR No.25 dated 21.3.2015.

A complaint was lodged by Process Server Bhupinder Kumar. He alleged that he received summons for effecting service on the accused from the court of Civil Judge (Jr. Division), Ludhiana. On 20.3.2015, he tried to locate the address of the accused. He met one Gurdev Singh and asked about residence of Vinod Jain (petitioner herein). At about 3.00 P.M., he knocked at the door of residence of the petitioner. His wife opened the door but refused to accept the summons. Complainant told her about the summons issued by the court. She went inside the house and came back alongwith a person. Complainant showed

the summons to him. Thereafter, the complainant asked about the ID proof to show that he was Vinod Jain. At this, the accused got infuriated and abused the complainant. He tore the summons and threw the same on the face of the process server. He further threatened the complainant and told him that he had made number of complaints against other employees. He also used defamatory language about judicial officers. Complainant was forcibly confined inside the house and was pushed and slapped. After the complainant rang his colleagues on mobile phone, the police reached the spot and got him released. On the basis of complaint, instant FIR was lodged by the police and investigation ensued. Petitioner moved the court of Additional Sessions Judge, Ludhiana for grant of pre-arrest bail but same was rejected. Thereafter, instant application was moved before this court. On April 08, 2015, this court issued notice of motion to State of Punjab after hearing counsel for the petitioner Mr. Vaibhav Sehgal. However, on the next date of hearing, petitioner appeared in person and sought to argue the matter himself. He stated that he had been falsely implicated. Referring to various photographs, annexed as Annexure P-10, he contended that there was CCTV cameras fixed in his house. A perusal of the photographs would show that no such incident, as alleged, had taken place. He had been arraigned as an accused by the police on the complaint of a process server. He also sought transfer of instant petition from this Bench to another Bench.

Learned State counsel vehemently opposed the plea. He submitted that petitioner was a history sheeter and was also involved in

eleven other cases. According to him, petitioner has no respect for law and is in the habit of levelling allegations against all and sundry.

I have heard the petitioner in person as well as the learned State counsel and given careful thought to the facts of the case.

It is evident that investigating machinery was set into motion on the complaint of a process server of the court. Said official was deputed to effect service on the petitioner, pursuant to summons issued by a civil court at Ludhiana. Summons bearing No.6430 dated 19.3.2015, as shown in the Nazir register, were marked to him. However, when he tried to effect service, petitioner allegedly tore the summons and threw the same on face of the process server. He is also alleged to have threatened the official and uttered derogatory words against judicial officers. Besides, according to stand of the State, petitioner has been involved in eleven other cases. Details have been furnished in the form of a chart attested by the investigating officer. Same is taken on record as Mark 'A'. Contents thereof are reproduced below:-

“POLICE DEPARTMENT

DISTRICT LUDHIANA

Subject:- Detail of cases registered against History Sheeter Vinod Kumar Jain son of Chuhar Ram, resident of House No.347, Kucha Kaka Ram Chowk, Hira Halwai Rehmat Ulla Road, Ludhiana.

Sr. No.	F.I.R. No., Date and Year	Offence and police station	Name of the complainant	Date of arrest of accused	Present stage
1.	23 dated 9.3.2000	448, 511, 506 IPC, P.S. Division No.4, Ludhiana	Amit Sharma s/o Charan Dass Sharma, R/o Near Shingar Cinema, Ludhiana	15.3.2000	As per the order of the court of Sh. Balwinder Kumar dated 7.1.2003, the accused was ordered to undergo imprisonment of 6 months and a fine of Rs.1000/- and in default of payment of fine to further undergo R.I. for 15 days.

2.	25 dated 22.1.2003	160 IPC, P.S. Division No.4 Ludhiana	Head Constable Raj Kumar 1042, Ludhiana	22.1.2003	The accused were punished with an amount of Rs.100/- by the court of Sh. Charanjit Arora, JMIC, Ludhiana on 17.5.2008.
3.	57 dated 15.6.2000	420 IPC, P.S. Division No.4, Ludhiana	Parveen Kumar son of Sh. Amar Nath Kapoor, R/o Chaura Bazar, Ludhiana	17.6.2000	The accused were acquitted by the court of Sh. Balwinder Kumar, JMIC, Ludhiana dated 19.10.2002.
4.	18 dated 28.2.2003	452/323/ 427/354/506/ 148/149 IPC, PS Division No.3 Ludhiana	Smt. Asha Chopra wife of Sushil Chopra, R/o Gali No.7, Mohar Singh Nagar, Ludhiana	-	Cancellation report accepted on 14.4.2006.
5.	65 dated 4.7.2009	419, 420, 384, 465, 468, 471, 474, 506 IPC, P.S. Division No.3, Ludhiana	Naresh Kumar son of Mool Chand, R/o Lallu Mal, Gali Chaura Bazar, Ludhiana.	4.8.2009	After preparing the challan on 16.4.2010 in the case, it was presented in the court on 25.8.2010. Due to compromise between both the parties, the Hon'ble Punjab and Haryana High Court, Chandigarh has ordered for quashing the same on 23.1.2012.
6.	240 dated 22.9.2009	379 IPC, PS Division No.5, Ludhiana	Mandeep Singh Photographer s/o Avtar Singh, R/o H.No.401, Gali No.8, Mohalla Gobindsar, Shimlapuri, Ludhiana	-	Untraced report dated 24.7.2011
7.	157 dated 9.4.2010	419, 420, 506, PS Divn. No.5, Ludhiana	Rattan Singhania son of Jugraj Singhania, R/o H.No.889, Phase-4, Mohali.	10.4.2010	Case is under trial in the court.
8.	14 dated 10.4.2010	156/353/332 IPC, PS Divn. No.3, Ludhiana	-	-	Case is under trial
9.	33 dated 29.5.12	323/341/506 IPC, P.S. Daresi, Ludhiana	-	-	Case is under trial
10.	DDR No.9 dated 14.11.11	182 IPC PS Division No.3, Ludhiana	-	-	Case is under trial

11.	DDR No.13 dated 14.6.12	182 IPC, P.S. Division No.3, Ludhiana	-	-	Case is under trial.”
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It is evident that petitioner has been involved in many other cases, in some of which he is still facing trial. In the instant case allegation against the petitioner is of assault and use of criminal force to deter a public servant from discharge of his official duty and also threatening him with dire consequences. I am, thus, of the considered view that he is not entitled to concession of pre-arrest bail. Prayer is, thus, rejected. Custodial interrogation of the petitioner may be necessary for taking the investigation to its logical end.

As regards prayer for transfer of the case from this court, it appears, petitioner sent a letter to Hon'ble the Acting Chief Justice. However, it was directed that application must be moved on the judicial side. No application on judicial side is forthcoming. However, a copy of the letter is on record. Though, said letter cannot be treated as appropriate application on judicial side, this court has considered his oral prayer and would like to observe that petitioner cannot be allowed to overawe the court by such tactics. It appears, certain litigants are prone to make such a prayer during pendency of a case on the judicial side. This trend needs to be curbed. In case a litigant feels, he would not get the desired relief, he cannot be allowed to pray for transfer of the case from one bench to another. No one can be allowed to put a spoke in the wheels of justice by adopting devious means. In the instant case, petitioner appears to be a chronic litigant. It is on record that he is in the

habit of using derogatory language against judicial officers. Tendency of maligning reputation of judicial officers by disgruntled elements who failed to secure the desired order, has already been severely deprecated by the Hon'ble Supreme Court (see *Radhey Mohan Lal Vs. Rajasthan High Court*, 2003 (2) R.C.R. (Crl.) 46.) Similar view has been expressed in judgment reported as *T. Deen Dayal Vs. High Court of Andhra Pradesh*, 1997 (7) SCC 535. In the facts and circumstances, prayer for transfer of the case is also rejected.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 23, 2015
'Rajpal'