

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

CRM-M-18255-2015

Date of decision: 15.7.2015

Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SK Birla, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.235 dated 16.4.2015 registered under Sections 353, 186, 332, 307, 506, 34 of the Indian Penal Code at Police Station City Bhiwani.

The submissions made by Mr.SK Birla, Advocate appearing for the petitioner have been heard.

It was submitted on behalf of the petitioner that he has been falsely implicated in the present case. Complainant, Narender, who is a police official alongwith other police officials gave severe and merciless beatings to him due to which he was admitted in Govt. Hospital at Bhiwani and because of his serious condition was referred to PGIMS Rohtak, on the same day. He remained admitted at PGIMS, Rohtak till

23.4.2015 which is proved from indoor patient card i.e. CR No.338249 dated 16.4.2015. When his statement was not recorded by the police, he gave an application to the Incharge, Police Post BTM Chowk Bhiwani, but no action was taken on the same. Instead of taking an action against the complainant and other police officials, police lodged the present First Information Report against him on false and oral facts. The petitioner has neither caused any injury to the complainant nor any role whatsoever has been attributed to him. In another First Information Report under Section 376 of the Indian Penal Code, in which he was alleged to be involved, he has already been acquitted by the trial Court. Submitting that nothing is to be recovered from him, learned counsel prayed for grant of anticipatory to the petitioner.

The accusation against the petitioner in the First Information Report is very peculiar. He was driving the motorcycle and two other persons were travelling with him as pillion riders. When they were stopped by the police and were asked to produce the documents, they stated that they had no documents. When they were challaned, they misbehaved with them and while leaving on the motorcycle, the petitioner intentionally drove the motorcycle with fast speed and hit on the right foot of injured -complainant, who was standing at some distance from the naka. They gave him beatings and tore his dress. The petitioner caught hold of his organ and pulled it forcefully. The injured became unconscious and was rushed to Govt. Hospital, Bhiwani, where he was treated. During investigation, it was found that the petitioner was

an accused in another case bearing First Information Report No.122/ 11 registered under Section 376 of the Indian Penal Code at Police Station Tosham.

No medical record was produce by learned counsel for the petitioner to show that he had to suffer the injuries during the occurrence that took place on 15.4.2015. He had caused injuries to the police official while he was on official duty and had also misbehaved with the other police officials.

Keeping in view the gravity of offence, no case for grant of anticipatory bail to the petitioner is made out and his petition is dismissed being devoid of any merit.

15.7.2015
gsv

(SNEH PRASHAR)
JUDGE