

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.28 15:17
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CRM No. M-2163 of 2015 (O/M)
Date of decision : 22.1.2015

Ashok Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Choudhary, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Ashok Kumar (petitioner), who is an EASI in Haryana Police, seeks anticipatory bail in FIR No. 1130 dated 17.11.2013, registered under Sections 341, 365, 302 read with Section 34 IPC at Police Station Sohna Road, Gurgaon.

Suffice to say that the allegations are that the petitioner had picked up the deceased Sukhbir. The allegations against him are also that he alongwith other police officials beaten up the deceased and later on, he died while in police custody.

Learned counsel for the petitioner has argued that this Court has already granted bail to co-accused Sunil Kumar, vide order dated 23.6.2014 (Annexure-P-11), passed in CRM No. M-19339 of 2014. A perusal of the order shows that the bail was

granted on account of concession given by the Deputy Advocate General, Haryana, who had raised no objection. Therefore, the same cannot be taken as a binding precedent. It is not denied fact that two post mortem were done. In the second post mortem, 13 injuries were found. The deceased was only 32 years of age. The crime took place in November, 2013 and the petitioner did not feel any necessity to obtain bail for the last one year and two months. Now, suddenly he has woken up to the fact that he needs anticipatory bail.

In this case, a police official is involved. The interest of justice requires that an independent probe in this case is done to bring out the truth, for which free hand is to be given to the investigating agency, which is to take into consideration the post mortem reports, injury reports and the expert opinion to find out as to how a young man of 32 years of age died in police custody ? No ground to grant anticipatory bail to the petitioner is made out.

Hence, dismissed.

(KULDIP SINGH)
JUDGE

22.1.2015
sjks