

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

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Crl. Misc. No. M 2792 of 2015

Date of decision: 27.01.2015

Ashok Kumar Sidana and others

..... Petitioners

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Harsh Neyol, Advocate
for the petitioners

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1. Whether Reporters of local papers 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?

Rekha Mittal, J. (Oral)

The petitioners prays for grant of bail in anticipation of arrest in FIR No. 87 dated 07.09.2014 registered at Police Station Khuhian Sarwar District Fazilka for offence under Sections 353, 186, 332, 323, 148 and 149 of the Indian Penal Code.

The allegation against the petitioners and their co-accused is that on 06.09.2014, a party headed by E.T.O. Varun Nagpal got secret information that one pick up without number plate and one Canter bearing registration No. PB 05 V 9822 loaded with plastic sheets and mustard feed were going to Abhoar through link roads for avoiding the Tax Barrier. On noticing the aforesaid vehicles, the party chased the vehicles and stopped the pick up near Khuhian Sarwar Petrol Pump and asked the driver to produce the documents. The said vehicle was brought at Tax barrier and in the meantime, the accused namely Ashok Sidana, Kuldeep Sidana, Pardeep Sidana and one Jai Parkash along with five unidentified persons came there and attacked the complainant, Officer-cum-Tax Inspector, I.C.C. Kallar

Khera and they forcibly took away the pick up along with goods which was stopped by the party.

Counsel for the petitioners contends that Kuldip Sidana brother of the petitioner Ashok Sidana and Pardeep Sidana was arrested in the case and was released on bail. It is further stated that a false case has been registered against the petitioners as it is difficult to accept that the petitioners attacked the complainant in the presence of one of the members of the police force. The injuries allegedly sustained by the complainant are simple in nature. The petitioners are ready to join investigation and cooperate.

Keeping in view the allegations against the petitioners that they tried to take law in their hands by attacking one of the members of the party in discharge of their official duties and forcibly took away the seized vehicle, I do not think it to be a fit case where the petitioners deserve pre arrest bail, a concession to be allowed by the Court in cases where a false case has been registered due to political vendetta or satisfy some ulterior motive.

Dismissed.

(Rekha Mittal)
Judge

27.01.2015

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