

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

Criminal Misc.No.M-30233 of 2015

Date of Decision: September 08, 2015

Davinder Sharma alias Bitta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gurcharan Dass, Advocate,
for the petitioner.

1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Davinder Singh alias Bitta, who has been booked for having committed the offences punishable under Sections 127, 177, 181 and 192, of the Motor Vehicles Act and Sections 186 and 353, IPC, in a case arising out of FIR No.42, dated 11.02.2015, registered at Police Station, Division No.5,(also known as Police Station, Civil Lines) Ludhiana.

Learned counsel contends that on account of political rivalry, the petitioner has been framed in the present case; no recovery is to be effected from him; his custodial interrogation is not required; the offences, for which the petitioner has been booked, are non-cognizable since the Court cannot take

cognizance without the sanction enshrined in Section 195 (1) Cr.P.C.; the news published in the newspaper would clearly spell out that there was some negative forces against the petitioner who want to defame him; and that after three days of the incident, the petitioner had moved an application before the higher authorities on which an inquiry has been initiated which is still pending.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

As per prosecution version, on 11.02.2015 at about 12:00 noon the petitioner was riding a two-wheeler without wearing the helmet; the traffic police on duty stopped him and asked him as to why he was not wearing helmet; the petitioner misbehaved with the traffic cop and started quarreling with him; during quarrel, he torn the uniform of the traffic police man; the petitioner also called bad names to the police personnel; as per the impugned order, two similar cases were also pending against the petitioner though learned counsel for the petitioner, during his arguments pointed out that in both the said cases, the petitioner has been acquitted on the basis of the compromise.

Keeping in view the totality of the facts and circumstances of the case, no case for grant of anticipatory bail to the petitioner is made out.

Dismissed.

September 08, 2015
seema

(Naresh Kumar Sanghi)
Judge

