

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-24980 of 2016

Date of decision:- July 26, 2016

Sandeep and others

...Petitioners...

versus

State of Haryana

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sandeep Thakan, Advocate,
for the petitioners.

JASPAL SINGH, J.

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Sandeep and others seeking pre-arrest bail in case FIR No. 695, dated 26.09.2015, under Sections 147, 149, 323, 332, 353 and 506 IPC, Police Station Sadar Bahadurgarh, District Jhajjar.

2. The contention of learned counsel for the petitioners is that the petitioners have been falsely implicated in the instant case. They have been roped in the instant case just being the close relations of their co-accused Mahinder, Jai Bhagwan etc., who have already been granted the concession of regular bail by the ld. Magistrate, Bahadurgarh vide order dated 27.04.2016. Moreover, their names do not figure in the FIR. Even co-accused of the petitioners namely Pushpa Devi and others have already been granted interim bail by this Court vide order dated 13.05.2016. Nothing is to

be recovered from any of the petitioners, who are otherwise ready to join the investigation.

3. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioners but does not find any substance therein in view of the fact and circumstances of the case in hand.

4. As per the case of prosecution, in compliance of order number 937, dated 17.09.2015 passed by Sub Divisional Magistrate, Bahadurgarh, in case titled as "*Ram Sahai vs. Bhjagwani*", Rakesh Kanungo along with Naib Tehsildar-Ombir Singh Bhuria and police force had gone to village Lagarpur for delivering the possession of Thaliwala field and when they were performing their duties, petitioners accompanied with Jai Bhagwan and others including 15-20 ladies came in the field and started creating obstructions in performance of their official duty. Naib Tehsildar and police officials tried to convince them about the order passed by the Court but they did not pay any heed to them. They started beating Rohtash son of Ram Sahai and Devinder son of Rohtash, residents of village Lagarpur as well as the government officials. They exhorted to the effect that they be taught a lesson for delivering the possession. Further that they will eliminate them. Even, they also man-handled the government officials besides causing obstructions in the performance of their official duty. There are serious and specific allegations against the petitioners that they along with some other persons caused obstruction in the performance of the official duty and also caused injuries to Rohtash and his son Devinder. As a result of obstruction created by the petitioners and others, Naib Tehsildar and other government

officials could not deliver the possession of the property and were unable to implement the order passed by the Court. Such persons do not deserve any leniency in the matter of bail. The mere fact that some of the ladies, who have been also arrayed as accused have been granted the concession of bail does not *ipso facto* mean that the petitioners are also entitled to pre-arrest bail.

5. So, in such circumstances, this Court does not deem it a fit case to grant the concession of pre-arrest bail. As such, the same is dismissed.

July 26, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether reportable: ***Yes/ No***