

CRM-M-2618-2016
CRM-M-3668-2016
CRM-M-5244-2016

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

(I) CRM-M-2618-2016 (O&M)

Date of decision : 19.08.2016

Baljeet Singh @ Bitta and others

...Petitioners

Versus

State of Haryana

...Respondent

(II) CRM-M-3668-2016 (O&M)

Date of decision : 19.08.2016

Sukhbir Singh @ Sukhwinder Singh @ Sukha and others

...Petitioners

Versus

State of Haryana

...Respondent

(III) CRM-M-5244-2016 (O&M)

Date of decision : 19.08.2016

Surjeet Singh @ Kaka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Punj, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Anand Parkash and HC Pritam Singh.

Ms. Avnidha Gupta, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant three petitions, being disposed of by this common
order of mine, have been filed under Section 438 of the Code of Criminal

Procedure, for grant of anticipatory bail to the petitioner in FIR No.59 dated 22.03.2015, registered under Sections 323, 506 and 148 read with Section 149 of the Indian Penal Code, (for short, 'the IPC') and Sections 3(iii), (v) and (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Pinjore.

Learned counsel for the petitioners contends that the dispute arose on account of construction of a wall. The FIR was initially registered under Sections 323, 506, 148 read with Section 149 IPC. Section 3 of the SC & ST Act has been added subsequently. Earlier also, the mother of the complainant, namely, Jogindero Devi, had raised similar allegation which were found to be false upon inquiry (Annexure P-3).

Learned counsel for the complainant, on the other hand, submits that all the male members of the family of the complainant work outside the town. The accused have raised a wall illegally in the middle of the public street. The harassment meted out to the complainant and his family is to such an extent that they had to vacate and abandon their house. Resultantly, the house is lying unoccupied. It is further submitted by the learned counsel for the complainant that the complainant was forced to approach this Court by way of filing a petition under Section 482 Cr.P.C seeking adequate security to the complainant and his family members as they felt danger to their life and property at the hands of the accused and the same is pending consideration of this Court. That apart, the complainant has filed yet another complaint under Section 133 Cr.P.C against the accused-petitioners for removing unlawful obstruction/nuisance from public place which is in front of the house of the complainant. The MLRs of the

complainant and his family members reflecting injuries sustained by them have been placed on record as Mark-A to Mark-F.

Learned State counsel, on instructions, submits that the accused hurled abuses and used derogatory words against the complainant in the presence of the ACP, Panchkula, who is also investigating the matter. After a few days of the incident, the complainant and his family had to leave their house and stay in Chandigarh and as a result of which, the house is lying abandoned. It has also come in the investigation that the wall in question has been raised by the accused in the middle of *gali-sare-aam*, i.e. on public property. Learned State counsel, on instructions, further submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

The necessity of granting anticipatory bail may arise in cases where influential persons try to implicate their rivals in false cases for the purpose of disgracing them or for the pleasure of detaining them in jail for some days to teach them a lesson. However, in the present case, apprehending threat to their life and liberty, the complainant and his family members have abandoned the house owned by them and have been residing at some other location. Though, the petitioners who have joined the investigation, are not required for custodial interrogation as per the version of I.O., the fact remains that the complainant and his family members face potential danger to their life and property at the hands of the accused. It has come on record that the accused hurled abuse and used derogatory words against the complainant in the presence of ACP, Panchkula. The facts and circumstances set out above demonstrate that the accused are not law

abiding citizens inasmuch as they had the audacity to heap abuse on the complainant in the very presence of Investigating official in the rank of Assistant Commissioner of Police. The complainant and his family members had to run away from their hamlet, having been tormented and terrorized by the accused. Pendency of petition at their instance under Section 482 Cr.P.C seeking protection to their life and property fortifies the above observation. Intimidation of the witnesses including the complainant cannot be ruled out. Fair trial may turn out to be a causality. Court is bound to decline the discretionary relief to avoid travesty of justice, even in the face of the stand taken by the I.O. that custodial interrogation is no longer required. This Court feels that the conduct of the petitioners, who have no respect for law and the dignity of the co-citizen, disentitles them for the grant of such relief.

Considering the totality of the facts and circumstances of the present case, no case for bail is made out.

The State is directed to re-investigate the matter under the direct supervision of the Superintendent of Police, Panchkula.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

19.08.2016
atulsethi/SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No