

CRM-M-27689 of 2016

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

Sr. No. 210

CRM No.M-27689 of 2016
Date of decision: August 24, 2016

Rahul Kumar @ Rahul Aadia

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

JASPAL SINGH, J.

Through the instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.89, dated July 21, 2016, under Sections 353, 186, 332, 506 & 34 IPC, registered at Police Station City, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that petitioner is a Law student studying in Panjab University Regional Campus, Hoshiarpur in 5th Semester. He also works for protection of rights of employees belonging to depressed community of the society. He is President of

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“Punjab Safai Mazdoor Federation Union” and impresses upon the authorities of the Municipal Corporation to regularize the services of the temporary employees and seek other benefits to them. Due to these social activities, he has falsely been implicated in the instant case.

3. Learned counsel for the petitioner further contends that a minor altercation took place between the petitioner along with his companions and officials of Municipal Corporation, Hoshiarpur, wherein simple injuries have been caused to both the parties. Petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed upon him, in case, he is granted the concession of pre-arrest bail.

4. Per contra, learned State counsel has opposed the petition by submitting that petitioner does not deserve the concession of pre-arrest bail. He has created nuisance in a Municipal Corporation's office and torn the official record. When the petitioner claims himself to be a Law student, he must be aware of the consequences of his act being President of Punjab Safai Mazdoor Union Federation. He is creating disturbance in the working of Municipal Corporation office. The petitioner does not deserve leniency of pre-arrest bail and his custodial interrogation is required to extract at whose instance, he is creating such disturbance in the working of the Municipal Corporation.

5. This court has given an anxious thought to the aforesaid submissions made by learned counsel for both the parties and gone through the record available.

6. Admittedly, an altercation took place among petitioner, his companions namely Saurabh Bhatia, Vicky and Sanjeev Kumar

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(complainant) Sanitary Inspector, Municipal Corporation, Hoshiarpur and his co-accused are alleged to have beaten a public servant on duty and torn the official record, which itself is a serious offence. Moreover, MLR No.VN/HSP/2016/81 of Sanjeev Kumar depicts three blunt injuries on his person. Injury Nos.1 & 2 have been kept under observation.

7. In this view of the matter, this Court is of the considered view that custodial interrogation of the accused is required, in order to find out, as to which are forces behind him at whose instance petitioner has created a nuisance with a public servant(s) in the office of Municipal Corporation and torn the official record. The act of the accused of abusing and beating the official(s) working in Municipal Corporation office creates a serious law and order problem and if such, an act is encouraged, it will bring a chaos in the society. If, a person wants to see some official record, he cannot use force to snatch away the record from the hands of the employees, but there is always certain procedure to obtain copies of any record or to inspect the record in the office, after taking due permission from the competent authorities. Allegations levelled against the petitioner and his co-accused are serious and grave in nature.

8. In the light of what has been discussed above, this Court does not find any merit in the instant petition, the same is dismissed.

August 24, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

**Whether Speaking/Reasoned
Whether Reportable**

**Yes/No
Yes/No**