

CRM-M-34898 of 2016

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

Sr. No. 106

CRM No.M-34898 of 2016

Date of decision: September 29, 2016

Vicky

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of 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 working as Sweeper on daily wages in the Department of Municipal Corporation, Hoshiarpur for the last 12 years and is getting Rs.3000/- only p.m. The services of the petitioner are likely to be regularized but the

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complainant does not want to see that the services of the petitioner is to be regularized. Due to this reason, he has falsely been implicated in this case.

3. Learned counsel for the petitioner further contends that other co-accused of the petitioner being President of Punjab Safai Mazdoor Federation Union approached the Corporation through various letters in which they requested the authorities to regularize the services of the daily wages worker who are working since long. Counsel for the petitioner submits 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. 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.

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

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as to which are forces behind him at whose instance petitioner has created a nuisance with a public servant in the 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.

September 29, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No