

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.7842 of 2016

Date of Decision:-03.03.2016

Sukhdev Singh & Anr.

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ranjan Lakhanpal, Advocate for the Petitioners.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioners, namely, Sukhdev Singh and Sukhwinder Walia in case FIR No.112 dated 02.10.2015 for offences punishable under Sections 333, 353, 186 and 506 of Indian Penal Code registered with Police Station Panipat, District GRP Ambala Cantt.

Both the petitioners Sukhdev Singh and Sukhwinder Walia are working as Deputy Chief Ticket Inspector, Northern Railway and the complainant Bijender is an AC mechanic and were on duty on the date of occurrence on 28.03.2015 on the train bearing No.T/S12445 going from New Delhi to Udhampur.

The allegations of the complainant are that when the train moved from Panipat station both the aforesaid accused persons in the lobby of Boggy no.8003, where the complainant was filling his log book and started consuming alcohol after taking out a whisky bottle from their bag. On being asked to refrain from consuming liquor both the accused are alleged to have given beatings to the complainant while hurling abuses.

Learned Counsel for the petitioners contends that a false case has been foisted upon his clients as a counter blast to the complaint against the complainant regarding non functioning of AC installed in the train in the boggies. It is next submitted that there is a considerable delay in lodging of the FIR and the petitioners being government employees prays for grant of anticipatory bail more so when nothing is to be recovered from them.

After hearing learned Counsel for the petitioners, no ground for grant of anticipatory bail to the petitioners is made out. Admittedly, the presence of the complainant and the accused on the date of occurrence on the train is not in dispute and there is also no explanation as to how the complainant Bijender suffered five injuries on his person, particularly, when there is no assault by any of the passengers. One of the injuries has been opined to be grievous in nature as per the MLR, which is on examination soon after the occurrence. The plea of delay is meaningless as the matter was immediately reported on termination of the train journey at Udhampur. The FIR was probably delayed due to the procedural delay on behalf of the investigating agency.

Keeping in view the nature and the manner of committing the offence, no case for grant of anticipatory bail is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

March 03, 2016
Vinay