

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

CRM-M-14926 of 2017

Date of decision: 25.7.2017

Rajni Bala and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Simranjit Singh, Advocate
for the petitioners.

Ms.Jaspreet Kaur, AAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioners – Rajni Bala and Amir Khan, both of them being accused in FIR No.01 dated 2.1.2017 for offences under Sections 186, 353, 332 IPC registered with Police Station Division No.1, Pathankot, District Pathankot.

Briefly stated, the facts of the case as per prosecution version are that on 2.1.2017, PHC Pawan kumar, aged 45 years working with Punjab Police, Pathankot was on traffic duty at a *chowk* of Pathankot. At about 12:30 p.m., he had signalled the traffic coming from the side of

Dalhousie road to stop and allowed the traffic coming from Dhangu Road to move. At that time both the accused riding a scooter make Mahindra Gusto without registration number came from bus-stand side and entered in the traffic coming from the side of Dhangu road, in that way violating traffic rules, which resulted in a traffic jam. When PHC Pawan Kumar confronted them, then accused Amir Khan started misbehaving with him. Rather both the riders alighted from their scooter, parked it and came to him. Amir Khan caught hold of PHC Pawan Kumar and tore his uniform besides giving him slaps resulting in his turban falling down. His wife Rajni Bala tore uniform of PHC Pawan Kumar. The complainant had suffered scratches on neck during the scuffle. ASI Yashpal and other police officials came there and rescued the complainant. However, both the accused slipped away.

Apprehending their arrest in this case, the petitioners have approached this Court. Earlier they had sought similar relief from the Court of Additional Sessions Judge, Pathankot but were unsuccessful there, as such the present petition.

Learned counsel for the petitioners has stated that both the accused were in great hurry since petitioner – Rajni Bala was in family way and she had given birth to a child a few days thereafter; that there was only a verbal spat between the accused and the complainant, as such pre-arrest bail be granted to the petitioners.

On the other hand, learned State counsel has contended that it is a very serious matter when the petitioners assaulted a police man on duty, tearing his uniform and causing him injuries, therefore, the petition

be dismissed.

After hearing the rival contentions, I find that the allegations in the FIR are quite serious. If the public servants while on duty are allowed to be assaulted and attacked in such a manner, then it would lead to utter chaos and lawlessness in the society. The petitioners were not at all justified in assaulting the complainant, tearing his uniform and causing him injuries. The reason given that Rajni Bala – petitioner was in family way and when the complainant stopped scooter of accused, they were going to hospital does not provide any satisfactory explanation for the incident. The allegations in the FIR are that the accused had not only violated the traffic rules but caused a traffic jam by going on the wrong side and when checked had attacked a police official on duty, who was controlling the traffic. MLR of PHC Pawan Kumar reflects that there was an abrasion of 3 x 1 cm on the back of neck and he was complaining of pain in right arm. The law is well settled that pre-arrest bail is not to be granted in routine but in the cases where element of some *mala fide* is there in registration of the FIR and other suitable cases. This relief is not to save the culprits from being interrogated by the police to elicit requisite information in connection with the incident.

Thus finding no merit in the petition, the same stands dismissed.

25.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No