

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

CRM-M-19185 of 2017 (O&M)

Date of Decision: May 26, 2017

Raman Kumar

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 (2) of the Code of Criminal Procedure, seeking cancellation of bail granted to Pargat Singh/respondent No.2. vide order dated 03.04.2017, passed by the learned Additional Sessions Judge, Ferozepur in case FIR No.95 dated 03.09.2016, under Sections 307/353/186/379-B/279/332/148/149 of Indian Penal Code and Section 67 of Information and Technology Act, 2008, registered at Police Station Kulgarhi, District Ferozepur.

Briefly it may be noticed that the FIR was registered on statement of the petitioner that while serving and posted as Head Constable, Traffic Staff Headquarter, Ferozepur, he was deputed for recruitment of lady constables and accordingly, on 26.08.2016, along with other police officials were proceeding in a

personal car from Ferozepur to Bathinda. At about 3 a.m. on the intervening night of 26/27.08.2016, when the petitioner reached near Bypass Satiyewala, then one truck came from Zira side and which was being driven rashly and struck against the personal car of the petitioner. The truck driver is stated to have stopped the vehicle. It is alleged that the truck driver was under the influence of alcohol and who started arguing with the petitioner. Further allegations are that other truck drivers also stopped there and the petitioner was assaulted and beaten up with baseball bats and iron rods by about 8/10 drivers with intention to kill. Petitioner has also alleged that having been assaulted, he was being put in a truck so as to eliminate him but in the meantime, an official vehicle came and at that stage, the accused party run away in their respective vehicles. Yet another, allegation is that the official dress of the petitioner was also torn away and certain documents as also cash were snatched from the pocket of the petitioner.

It so transpires that respondent No.2/Pargat Singh was arrested on 25.02.2017 and he filed an application for regular bail and which has been accepted vide order dated 03.04.2017 (Annexure P-2) passed by the learned Additional Sessions Judge, Ferozepur.

Learned counsel appearing for the petitioner, while pressing for cancellation of bail, would argue that the Court below has wrongly observed that the occurrence took place on

26.08.2016, whereas medical examination was conducted only on 30.08.2016. It is emphatically submitted that the medical examination of the petitioner was conducted on the same date i.e. 26.08.2016. That apart, it is argued that the petitioner who was on official duty, has been assaulted by a group of truck drivers including respondent No.2 and against backdrop of the allegations of obstructing and assaulting a police official while on duty, the concession of bail has been wrongly granted. Counsel submits that conduct of the accused party including respondent No.2 dis-entitles him from the concession of bail as even a video footage was prepared of the incident and the same was uploaded on internet and which has a demoralizing effect on the police force.

Counsel for the petitioner has been heard at length and the pleadings on record have been perused.

This Court finds that allegations are in relation to an alleged occurrence that took place on the intervening night of 26/27.08.2016. The FIR has been registered on 03.09.2016. Such delay of almost eight days has gone un-explained. That apart as per version of the complainant, he was assaulted and beaten up by 8-10 truck drivers and with baseball bats and iron rods. During the course of arguments, MLR of Head Constable Raman Kumar/present petitioner was furnished for perusal of this Court and which reflects four injuries described as complaint of pain on different parts of the body. The MLR does not even reflect

abrasions.

Counsel appearing for the petitioner does not dispute that no opinion had been sought from the Doctor and on the strength of which, the offence under Section 307 IPC has been cited.

Even otherwise, the petitioner was arrested on 25.02.2017 and thereafter has been granted bail vide order dated 03.04.2017. It is not even the case set up that after grant of bail on 03.04.2017, respondent No.2/Pargat Singh has misused such concession.

In the totality of circumstances and without making any observations on merits, this Court does not find any basis that would warrant interference in the impugned order dated 03.04.2017, passed by the learned Additional Sessions Judge, Ferozepur, granting bail to respondent No.2.

For the reasons recorded above, the present petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.05.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No