

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M No.37876 of 2016
Date of decision: 06.03.2017

Tarsem @ Tarsem Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Reply filed by the State in Court today, is ordered to be taken on record. Copy of the same has been given to the counsel opposite.

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in FIR No.406 dated 15.07.2016, registered under Sections 15, 27-A/61/85 of NDPS Act and Sections 147, 149, 332, 353, 186, 224, 225 IPC, at Police Station Ratia, District Fatehabad.

As per the case of the prosecution, the police party received information to the effect that Jagsir @ Ghunghru son of Ajmer Singh is having in his possession large quantity of poppy husk. Finding the information to be reliable, the police party set out to raid the house of the aforesaid Jagsir, who on arrival of the police party was seen unloading 11 bags of poppy husk from his car. On seeing the police party, Jagsir started running and when the police party made attempts to apprehend him, his wife

Nisha Rani, the petitioner and others attacked the police party and caused injuries upon them. The attack upon the police party was opened by the petitioner alongwith other co-accused to facilitate Jagsir Singh's escape in which he was successful.

Seeking anticipatory bail for the petitioner, learned counsel submits that there is no MLR of any police personnel showing any injuries to them; the petitioner has joined the investigation and that no recovery was to be effected from him.

Learned State counsel while opposing the grant of anticipatory bail to the petitioner has produced the record from the Government Hospital wherein the police personnel, who were beaten up by the petitioner had received treatment. It is further submitted that the petitioner is involved in other criminal cases including one case under the NDPS Act.

As per the allegations in the FIR the petitioner not only facilitated the escape of an accused who was found carrying a huge quantity of narcotics, making the petitioner an accomplice in the crime, he also attacked police officials in the course of their duty. The petitioner also is involved in other criminal cases including one under the NDPS Act being FIR No.374 dated 24.06.2015, registered under Sections 15, 16, 85 of NDPS Act, at Police Station, Ratia. Apparently, while on bail in the aforesaid FIR, the petitioner has allegedly committed offences in which he seeks anticipatory bail through the present petition. He, thus, misused the concession of bail granted by the Court in FIR No.374 dated 24.06.2015, registered under Sections 15, 16, 85 of NDPS Act, at Police Station Ratia. Not only this, there are two other cases under the Gambling Act against the petitioner in which he stands convicted. So far as the injuries to the police

personnel are concerned, I have perused the record produced by the learned State counsel showing treatment undertaken by the police personnel for the injuries inflicted upon them by the petitioner along with his co-accused. The main accused Jagsir whose escape the petitioner had allegedly facilitated is still at large even after the passage of about one year.

In view of the above, I am of the opinion that in the case in hand, the petitioner does not deserved to be granted the concession of anticipatory bail and that his custodial interrogation would be warranted.

Dismissed.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 06, 2017

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- (i) Whether speaking/reasoned Yes/No*
- (ii) Whether reportable Yes/No*