

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 470 of 2018

Hitendra Singh @ Hitu S/o Late Dinesh Kumar Singh Aged About 40 Years
R/o Aakash Nagar A-13, Lingiyadih, Police Station Sarkanda Bilaspur,
Chhattisgarh ----- **Petitioner**

Versus

1. The State Of Chhattisgarh Through The Principal Secretary, Home Department, Mantralaya, Naya Raipur, Chhattisgarh
2. The Superintendent Of Police Bilaspur, District- Bilaspur, Chhattisgarh
3. Station House Officer Police Station- Sarkanda, Bilaspur, Chhattisgarh
4. Amar Panjwani S/o Dayal Das Panjwani R/o Ashirwad Gali, Raipur Road Parsada, Police Station, Chakarbhata, Bilaspur, CG**Respondents**

For Petitioner	:	Mr. Rohit Sharma, Advocate
For State	:	Mr. Anand Dadariya, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19.09.2018

Heard.

1. This petition, under Article 226 of the Constitution of India, has been preferred by the petitioner praying for quashing of entire criminal proceeding against the petitioner.

2. The submission of learned counsel for the petitioner is that on false and fabricated allegation made by respondent No.4, the police has registered criminal case for alleged commission of offences under Section 294, 323, 342, 506 of IPC against the petitioner. When the petitioner sought to furnish bail before the police authority, the same is not paid any heed to. The petitioner came to know that attempt is being made to cook up a case against him on the basis of subsequent frivolous complaint in respect of the same incident on 11.07.2018 making out a new case so as to somehow get a non-bailable offence registered against the petitioner.

3. Apprehending arrest an application for grant of anticipatory bail was moved before the Sessions Judge, Bilaspur, which has been rejected.

4. It is argued that the petitioner is being harassed and fundamental right is being seriously violated by cooking up false cases against him and that in such a case, a writ petition would be maintainable notwithstanding that he had a remedy of moving an application for grant of anticipatory bail before the High Court under Section 438 Cr.P.C.

5. On petitioner own showing only bailable offences so far have been registered against him. So far there is no material to show that the police has registered case for commission of any non-bailable offence. The order passed by Sessions Judge rejecting application for grant of anticipatory bail does not disclose that by that time, any non-bailable offence alleged to have been committed by the petitioner, has been registered by the police though it refers to a subsequent complaint made by respondent No.4 before the police authority on 21.07.2018.

6. The FIR, which has been placed before this Court (Annexure P/1), has been perused. After going through the FIR, it is found that respondent No.4 has made allegation against the appellant of he having been threatened, assaulted and abused on 11.07.2018 and on which, the police has registered an offence against the petitioner.

7. In view of the above, I do not consider present to be a fit case for invoking writ jurisdiction, particularly when the petitioner has a remedy of moving an application for grant of anticipatory bail before the High Court despite rejection of his application by the Sessions Judge. Further, if the petitioner's allegation is that the Station House Officer is not accepting his bail bond, he can report to the Superintendent of Police and also submit application before the Jurisdictional Magistrate.

8. With the aforesaid observation, the petition is dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**