

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

CRM-M-35506 of 2018
Date of Decision: 18.08.2018

Kalu alias Ompal & anr.

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. D.S. Matya, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioners, in case FIR No.0166 dated 25.07.2018 under Sections 186/195/217/218/323/332/342/348/452/506/120-B IPC, registered at Police Station Bhondsi, District Gurugram.

According to the prosecution, in the night of 19.07.2018, petitioner No.1 along with his father petitioner No.2 and his two brothers namely, Bhula and Ravi trespassing the house of complainant Mangal Singh, abused him, his minor children and gave beatings to them with threat of dire consequences, in case, he would not withdraw his criminal case in which the brothers of petitioner No.1 and sons of petitioner No.2, namely, Bhula and Ravi were convicted. The petitioners in conspiracy with the police, namely, Head Constable Ram Kumar Tyagi and one unknown Constable illegally kept confined the complainant in the police station for the whole night and released him in the hours of next early morning with the condition to pay them Rs.50,000/- as bribe.

The complainant reported the matter to the police mentioning the

same incident narrated above, which enraged the police. Consequently, on

21.07.2018, ASI Rajoo called the complainant in the police Station Bhondsi, where aforementioned brothers of petitioner No.1 and sons of petitioner No.2 gave the complainant beatings in the presence of police. Head Constable Ram Kumar and ASI Rajoo also abused and caused injuries to the complainant. However, on the complaint of wife of the complainant, learned Judicial Magistrate, Ist Class, Sohna, directed his Reader Lakhi Chand to raid the concerned police station, where the complainant was illegally kept confined by Head Constable Ram Kumar and ASI Rajoo, at the behest of the petitioners, who conducted the raid and got released the complainant from the illegal custody of the police. Thereafter, the complainant was medically examined.

Learned counsel for the petitioners *inter alia* contends that the allegations against the petitioners under Section 323 IPC are bailable. The complainant has falsely implicated the petitioners under Section 452 and 506 IPC, levelling false implication of trespass to make the offence non-bailable. No recovery is to be effected from the petitioners. No injury is attributed to them. Therefore, the petitioners are not required for custodial interrogation.

Having considered the submission made by learned counsel for the petitioners, this Court finds the instant petition completely devoid of any merit for the reasons that the petitioners in connivance with the police got illegally confined a Court employee. He could be got released from the illegal custody of the police with the intervention of the local Judicial Magistrate, who sent his reader for raiding the concerned Police Station, Bhondsi. The family members of the petitioners have already been convicted on the complaint of the brother of the complainant, which fact in

co-accused Bhula and Ravi that to take revenge against their conviction, the petitioners in connivance with the police got the complainant illegally confined. The allegations against the petitioners and police officials named above are very serious. The trial Court is directed to deal with the matter seriously in accordance with law.

In view of the totality of facts and circumstances of the case, the petitioners do not deserve any concession of anticipatory bail.

Dismissed.

18.08.2018

monika

Whether speaking/reasoned

Whether Reportable

(RAMENDRA JAIN)

JUDGE

Yes/No

Yes/No