

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

CRM-M-39818-2018 (O&M)

Date of Decision:-17.9.2018

Sandeep Kumar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.0772 dated 7.8.2018 under Sections 186, 332 and 353 of Indian Penal Code, 1860 at Police Station Sirsa City.

The allegations, in nutshell, are that on the day of occurrence, when the officials of the Municipal Corporation, Sirsa under orders from the Deputy Commissioner, Sirsa had gone to the market to remove unauthorized encroachments, it was found that owner of Saini Mobile had placed articles outside his shop and has encroached unauthorizedly. When the officials of the Municipal Council, Sirsa were removing the articles, then Sandeep Saini as well as owner of the adjoining shop Karamjit started abusing the employees and did not permit them to remove the vehicles, which were parked in front of the shops. As a result of which the work of removal of encroachments could not be carried out. It was ultimately with the help of the police that the vehicles in question were removed.

Notice of this petition was issued to the State.

The learned counsel for the petitioners has submitted that even as per the FIR, the articles allegedly unauthorizedly placed had been removed and that the vehicles, if any, parked on the road cannot be said to be belonging to the petitioners and that he has falsely been involved in the present case. It has further been submitted that in any case, no offence under Sections 186, 332 is attracted.

On the other hand, the learned State counsel has submitted that the facts clearly reveals that the petitioners had obstructed officials of Municipal Council, Sirsa in discharge of their official duties to remove the encroachment and that in these circumstances no case is made out for grant of anticipatory bail to the petitioners.

Having heard the learned counsel for the petitioners and also the learned State counsel and bearing in mind that the petitioners obstructed in maintenance of public order and had obstructed the officials, who had gone to remove the encroachments, no case for grant of anticipatory bail is made out. The petition, as such, is dismissed.

However, in case the petitioners choose to surrender before the trial Court within a period of 7 days from today and apply for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously preferably within a period of three days from filing of such application.

17.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No