

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

CRM-M-40053-2018 (O&M)

Date of Decision:-30.10.2018

Om Parkash Jindal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S. Bedi, Senior Advocate with
Mr. Abhinav Sood, Advocate and
Mr. Sonpreet Brar, Advocate and
Mr. Shaurya Sharma, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.3 dated 19.1.2018 under Sections 353, 323, 148, 149 and 506 of Indian Penal Code, 1860 (Sections 186, 420, 467, 468 and 471 read with Section 120-B of IPC were added later on) and Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Kotwali Nabha, District Patiala.

The FIR was lodged at the instance of Executive Officer, Municipal Council, Nabha, Patiala, Punjab, wherein it has been alleged that on 19.1.2018, when the complainant alongwith other officials of Municipal Council and its President were present at the spot to remove the illegal encroachment and illegal construction with the aid of JCB machine, then the

petitioner Om Parkash Jindal, his son Vikas Jindal and Pardeep Kumar alias Kala and some of their other associates came there and uttered objectionable utterances against their caste such as '*chuhra*'. It is alleged that the petitioner pushed one of the employees of the Municipal Council namely Ved Parkash alias Kali while abusing him and also threatened him and picked up a brick and threw the same at the driver of JCB machine. It is further alleged that the petitioner put his hand in his pocket in order to take out a weapon but was caught by the persons present at the spot.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that Ved Parkash has himself come out with an affidavit (Annexure P-10) deposing therein that no objectionable utterances were ever made against his caste. The learned counsel has further submitted that in any case the petitioner has been behind bars since the last more than two months and the petitioner is no longer required for any further investigation and as such the petitioner be released on bail.

On the other hand, the learned State counsel has submitted that the petitioner is a habitual offender and is involved in three other cases. The learned State counsel has today filed a status report by way of affidavit of Davinder Kumar, PPS, Deputy Superintendent of Police, Nabha, District Patiala, which is taken on record. The FIRs registered against the petitioner, have also been annexed with the Status report.

I have considered the rival submissions addressed before this Court.

As regards the other FIRs against the petitioner is concerned, it is not in dispute that a cancellation report was filed in FIR No.68 dated 25.5.2009 registered under Sections 323, 354, 447, 511, 506, 148 and 149 of Indian Penal Code, 1860 and Sections 27/54/59 of Arms Act at Police Station Sadar, Nabha and that the petitioner has already been granted regular bail in FIR No.189 dated 28.10.2013 registered under Sections 420 and 120-B of Indian Penal Code, 1860 (Sections 465, 468 and 471 of IPC were added later on) and Sections 61/1/14 of Excise Act at Police Station Kotwali, Nabha, while he has been granted interim bail in FIR No.36 dated 22.4.2018 registered under Sections 420, 465, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Kotwali, Nabha.

Bearing in mind the nature of allegations in the present case and also the fact that the petitioner has been behind bars since the last more than two months, in my opinion, it is a fit case for grant of bail to the petitioner. The present petition, as such, is accepted and the petitioner-Om Parkash Jindal is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

30.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No