

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

Criminal Misc. No.M-40670 of 2018

Date of Decision: 25.09.2018

Lucky @ Jagjit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Brahminder Singh Toor, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.134 dated 01.08.2018 under Sections 353, 186, 332 IPC registered at Police Station PAU, Ludhiana, District Ludhiana.

The aforesaid FIR was registered on the statement of Constable Narinder Singh to the effect that on 31.07.2018, when he was on duty with ASI Rafeeq Mohammad and were patrolling near Mata Mandir, a call was received from the night Munshi Angrez Singh that message has been received from Control Room that one person, who is under the influence of liquor, is using foul language against the people of Village Jainpur, Backside Gurudwara. The police party visited the spot, where Surinder Kaur gave an application against the petitioner Lucky @ Jagjit Singh for using abusive language, throwing brick bats at their gate and house under the influence of liquor in order to harass them. When

Constable Narinder Singh called the petitioner to come out, he started using abusive language against Surinder Kaur and her sons. When he asked the petitioner to stop doing it, he suddenly, while using criminal force, caught hold of the shirt of Constable Narinder Singh and tore his uniform and used abusive language against him.

Learned counsel for the petitioner has argued that the petitioner has not uttered any abusive language, as being alleged and the present FIR has been registered only to implicate the petitioner in a false case.

On the other hand, learned State counsel, on instructions from ASI Rafeeq Mohammad, submits that the police had visited the place of occurrence on the complaint made by Surinder Kaur and the petitioner not only misbehaved with the police party but had also tore the uniform of Constable Narinder Singh, complainant, under the influence of liquor.

Having heard learned counsel for the parties and considering the fact that if such kind of incidents are allowed to continue, it may affect the morale of the police adversely. The alleged incident had occurred on the night of 31.07.2018 at around 10-00 p.m. Therefore, this Court does not find any reason to admit the petitioner on anticipatory bail.

Accordingly, the present petition is dismissed.

However, in case the petitioner surrenders before the trial Court and seeks regular bail, the trial Court shall admit the petitioner on regular bail after one day.

September 25, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No