

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

CRM-M-6792-2018
Date of decision:-7.3.2018

Onkar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Narender Singh Dhull, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Onkar Singh, an accused in FIR No.1212 dated 24.11.2017, under Sections 332, 353, 186, 506, 34 IPC, registered with Police Station City, Karnal, District Karnal.

Briefly stated, the prosecution story is that on 24.11.2017 at 12:30 p.m., complainant Ajit Singh, a Homeguard personnel was on traffic duty at Hansi Chowk, Karnal; that in the meanwhile a car of white colour came from Kaithal road side and its driver Ravinder Singh @ Ravi Papa @ Baba parked it in the middle of the road; that the complainant asked him as to why he had done so, then Ravinder Singh @ Ravi Papa @ Baba became aggressive and pulled the complainant inside the car; that another Homeguard/volunteer, namely, Pawan Kumar came there to

rescue Ajit Singh, however, Ravinder Singh @ Ravi Papa @ Baba alighted from the car and assaulted the complainant; that ESI Vinod Kumar arrived there and rescued the complainant from Ravinder Singh @ Ravi Papa @ Baba; that in the meanwhile, two young persons, namely, Sukhwinder Singh also known as Onkar Singh (petitioner), who was wearing a white turban and Pinki Padda @ Hardeep Singh, who was wearing blue colour lower came there and started giving beatings to the complainant; that the complainant ran towards the traffic booth but both youngsters followed him and they also entered the traffic booth and beaten the complainant and also torn his uniform; that the accused had also gave leg blows on the private part of the complainant. Formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Karnal vide order dated 5.2.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

Though learned counsel for the petitioner has stated that the petitioner is not named in the FIR but then learned State counsel has contended that as a matter of fact the person named as Sukhwinder Singh was the petitioner and the complainant in the supplementary statement

made by him has clarified this fact. Learned State counsel has informed that the petitioner is involved in four more criminal cases, the details of which are as under:

1. FIR No.285 dated 25.11.2017, under Section 392 IPC, P.S. Kunjpura, District Karnal.
2. FIR No.1269 dated 4.12.2017, under Sections 341, 379-A, 506 IPC, P.S. Sadar, Karnal.
3. FIR No.1146 dated 2.11.2017, under Sections 341, 379-A, 34 IPC, P.S. Sadar, Karnal.
4. FIR No.328 dated 1.2.2017, under Section 380 IPC, P.S. Trawari, Karnal, District Karnal.

It means that the petitioner has got a criminal past. CCTV footage in the form of photographs has also placed on file showing the petitioner to be there participating in the incident. Assault on the public servants performing their duties cannot be taken lightly lest that should send a wrong message in the society.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

7.3.2018

Brij

Whether reasoned/speaking

Whether reportable

: Yes/No
: Yes/No

(H.S.MADAAN)
JUDGE