

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

**CRM-M-6842-2019 (O&M)  
Date of Decision: 15.03.2019**

**Pawan Sharma**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Devinder Singh, Advocate  
for the petitioner.

Mr.Ramesh Kumar Ambavta, AAG, Haryana.

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**HARINDER SINGH SIDHU, J.**

This petition has been filed under Section 438 CrPC seeking anticipatory bail in case FIR No.998 dated 18.12.2018 under Sections 186, 332, 34, 353, 506 IPC, Police Station Sadar Bhiwani.

Allegations in the FIR, which was registered on the statement of Constable Naveen Kumar, are that he was posed at Police Station City Bhiwani. On 17.12.2018, he went for execution of the conditional warrant of one Raj Kumar s/o Mahender Singh @ Mahabir, resident of village Kalinga, Bhiwani, issued by the Court of Sh.Aman Deep Dewan, Additional District Judge, Bhiwani. When he reached near the house of the accused he saw him standing there and overpowered him. Then his brother namely Pawan (petitioner) who was also standing there started beating the complainant. In the meanwhile, 2-3 more persons came there and all of them gave beatings to the complainant and tore his uniform. They got

accused Raj Kumar released from him and threatened to kill if he visits the village again.

Learned counsel for the petitioner has contended that the present FIR is a counter blast to the complaint dated 19.12.2018 filed by the mother of the petitioner against the complainant Constable Naveen Kumar and HGH Sombir Singh. In that complaint it had been alleged that that the complainant and Sombir Singh in the garb of the conditional warrant had forcibly entered the house of the petitioner. They took away Rs.50,000/- lying under the mattress and also took away their motorcycle besides threatening them. The complaint was inquired into by the Deputy Superintendent of Police, Tosham. It was concluded that the complainant Naveen Kumar in connivance with Sombir acted negligently and with bad intention and sent the conditional warrants back to the Court unserved. Action was recommended against them.

Learned counsel for the State has stated that the petitioner had caused injuries to a Government Servant, while he was performing his duties. He has also placed on record a medico-legal report of the complainant dated 17.12.2018 regarding the injuries. It is also argued that the incident had taken place on 17.12.2018 and the present FIR against the petitioner was registered on 18.12.2018. But the complaint referred to by the petitioner was submitted on 19.12.2018 after the lodging of this FIR.

As per the medico legal report of Constable Naveen Kumar who was examined on the same day at Primary Health Centre, Kharak Kalan, three injuries were found on his person. For injury No.1, he was advised X-ray and to seek surgeon opinion and for injury No.3, also,

Surgeon opinion was advised. The complainant was referred to Government Hospital, Bhiwani. The MLR also records that the complainant was brought to the Hospital by the Police.

In view of the nature of the allegations no ground to grant anticipatory bail is made out.

Dismissed.

March 15, 2019

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( HARINDER SINGH SIDHU )  
JUDGE

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |