

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52725-2018 (O&M)

Date of Decision:-22.2.2019

Ravinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akshay Kumar Jindal, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.3 dated 19.1.2018 at Police Station Kotwali Nabha, District Patiala under Sections 353, 323, 148, 149 and 506 of Indian Penal Code, wherein offences under Sections 3/4 of Scheduled Castes and Tribes (Prevention of Atrocities) Act and Sections 186, 420, 467, 468, 471 and 120-B of IPC were added later on.

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 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 Om Parkash Jindal pushed one of the employees of the Municipal Council namely Ved Parkash alias Kali and abused him and also threatened him. It is alleged that Pardeep Kumar @ Kala picked up a brick and threw the same at the driver of JCB machine. It is further alleged that the Om Parkash Jindal 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 is infact not named in the FIR and that the petitioner is, however, being referred to as Pardeep Kumar @ Kala. The learned counsel has submitted that even if it is held so, still the only role attributed to said Pardeep Kumar @ Kala is that he had picked up a brick and thrown the same at the driver of the JCB machine but no injury was ever sustained by the said driver.

The learned State counsel, while opposing the petition, has submitted in view of the serious nature of allegations and the fact that the petitioner is named in the FIR although his name has been referred to as Pardeep Kumar @ Kala, which he himself admitted before the trial Court at the time of filing bail application, no case for grant of bail is made out. It has however, been informed that Om Parkash Jindal has already been granted regular bail and Vikas Jindal is presently on interim bail. It has also been informed that pursuant to interim directions issued by this Court on 30.11.2018 the petitioner has already joined investigation.

Having regard to the facts and circumstances of the case and the nature of allegations against the petitioner and also the fact that the petitioner has already joined investigation, the present petition is accepted and the interim directions issued by this Court vide order dated 30.11.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

22.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No