

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

CRM-M-54496-2018 (O&M)

Date of Decision:-24.5.2019

Vikas Jindal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Kumar Jindal, Senior Advocate with
Ms. Janya Sirohi, 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 anticipatory 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 and Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Kotwali Nabha, District Patiala, wherein offence under Sections 186, 420, 467, 468 and 471 read with Section 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 petitioner Vikas Jindal, his father Om Parkash 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 they 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.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that Ved Parkash, an employee of the municipal council, to whom the objectionable utterances were addressed, has already furnished an affidavit to the effect that no objectionable utterances were ever made. It has further been submitted that, in any case, the petitioner is not stated to have caused any injury and that since he has already joined investigation, he deserves the concession of anticipatory bail.

Opposing the petition, the learned State counsel has submitted that since the petitioner has specifically named in the FIR, no case for grant of anticipatory bail is made out. It has, however, been informed that he has since joined investigation and that the co-accused namely Om Parkash Jindal and Ravinder Kumar have already been granted bail.

Having regard to the facts and circumstances of the case and bearing in mind the nature of allegations and the role attributed to the petitioner and also that Ved Parkash in his affidavit dated 25.8.2018 has

deposed that he had not heard Parkash Jindal, Vikas Jindal and Pardeep Kumar making objectionable utterances and while also bearing in mind that the petitioner is stated to have joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.12.2018 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.

24.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No