

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

**CrI. Misc. No.M-29292 of 2019 (O&M)
Date of Decision: July 12, 2019**

Kuldeep @ Gulgul Dhanori

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajender Kumar, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure (for short-Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No.104 dated 21.04.2019 registered for the offences punishable under Sections 148, 149, 323, 324, 379-B, 427 and 326 (added later on) of Indian Penal Code, at Police Station Cheeka, District Kaithal.

Heard.

As per the allegations in the FIR, complainant along with other employees of Om Prakash Budhu Company were collecting cash from the different liquor vends in Cheeka. The money was with Pardeep and they were coming from liquor vend, Balbhera towards Cheeka. A Ritz car bearing registration No.HR-41F-4311 along with two other vehicles was following them. When they reached on Cinema Road near Hanuman Temple, Balmiki Basti of village Cheeka, a tractor trolley stopped their way

and some persons came down from the vehicles following them. They were Rajesh, Vishal, Gypsy, Gulgul Dhanori (petitioner), Gurnam, Vinod @ Dand, Pinki, Buta, Kaku Sagar, Bhim Balmiki, Vicky, Vijay, Happy and some other persons. Vishal gave *gandasi* blow on the left hand of complainant while Gypsy gave a *danda* blow on his foot. They snatched ₹2,62,360/- from Pardeep, who also suffered injuries in the occurrence. Intimation was given to Om Prakash, who arrived at the spot. Many people from that area assembled there. Both vehicles of the complainant were badly smashed. While fleeing, the petitioner along with other persons picked the complainant and kept him in confinement during night.

Learned counsel for the petitioner has argued that it is a cross-version case. Some persons have entered the house of co-accused Rajesh and manhandled his wife, who reported the matter to the police, on the basis of which FIR No.109 dated 03.04.2019 was recorded at Police Station Cheeka. Though the petitioner has been named in the FIR but he has no role in the occurrence.

It is a case where the allegations against the petitioner are of snatching the money from the complainant party, damaging their cars, causing them injuries and keeping the complainant in confinement during night.

The provisions of Section 438 Cr.P.C. are intended to protect the people from misuse of process of law and not to benefit the person, who indulged in illegal activities and whose conduct being in conflict with law call for a lot of explanation and is against norms expected from a law abiding individual. As per the facts of this case, the complainant was a

member of unlawful assembly which indulged in stopping the complainant and other employees of Om Prakash Budhu, snatched the cash from them and caused them the injuries.

Keeping in view the conduct of the petitioner and gravity of the offence, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

July 12, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***