

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

**CRM-M-12423-2020
Date of decision: 27.05.2020**

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0165 dated 05.04.2020, registered under Sections 186, 188, 332, 353, 506, 148 and 149 of the IPC; Section 61 of the Punjab Excise Act, 1914 and Section 379-B IPC (added later on) at Police Station Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Akash Deep of Police Station Kanina, Mahendergarh, it is stated that he, along with one Pankaj, was on police duty during current lockdown. There was a ban on the sale of liquor and Section 144 IPC was imposed. On 05.04.2020, he, along with Pankaj, was secretly monitoring the sale of illicit liquor in their private vehicle and they found that a person standing outside a liquor vend was selling the liquor by opening the gate of the vend and when the complainant approached him, he asked for a bottle of liquor. On this, the said person went inside and came out with a bottle of liquor. Thereafter, the

complainant and Pankaj introduced themselves as police officials by showing their identity cards and tried to arrest the said person/salesman but he pushed them and went inside the vend and locked up the same from inside. Thereafter, the complainant locked the said vend from outside and informed the Incharge of the Security Branch, however, before the police could reach there, the salesman called his contractor, who came there along with 20/25 persons in different vehicles and started challenging the complainant by pelting stones and bricks. The allegations against the petitioner are that he tried to snatch the service revolver of the complainant and in that process, the aforesaid persons broke the lock of the vend and removed the liquor cartons as well as took away the petitioner from the spot. It is further stated that some of the persons were identified by the complainant and named in the FIR including petitioner.

Learned counsel for the petitioner further submits that in fact the petitioner is a member of the Village Screening Committee and had not caused any harm/injury to the complainant side. It is further submitted that other accused already stand arrested and the liquor has also been recovered including one of the vehicles.

Learned counsel for the petitioner further submits that the allegations of assault and snatching the revolver are false.

Learned State counsel, however, has opposed the bail on the ground that there are six video recordings in mobile phones, in which it can be seen that the petitioner came in a Swift car bearing registration number HR-34-H-2726 and he tried to assault the complainant and exhorted that he should fire with his service revolver and in that process, he tried to snatch the revolver of the complainant.

Learned State counsel further submitted that since the complainant and Pankaj had disclosed their identities that there are police officials and were on official duty in plain dresses because they were on duty to search for sale of illicit liquor, it cannot be said that they were not on duty.

After hearing learned counsel for the parties, I find no ground to grant anticipatory bail to the petitioner.

As per allegations in the FIR, the petitioner is involved in the commission of offence as he has not only challenged the complainant, who was on official duty, but also tried to snatch his service revolver.

As per State counsel, there are six video recordings of the incident which establish the petitioner as one of the main accused. Needless to say, in the said process, the petitioner and other accused not only removed the illicit liquor from spot but also took away the accused from police custody, who was selling the liquor at the spot.

In view of the above, the petitioner is not found entitled to get the concession of anticipatory bail

The petition stands dismissed.

27.05.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No