

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

CRM-M-20268 of 2020 (O&M)

Date of Decision: July 30, 2020

Vashisht @ Rajiv Vashisht

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saurabh Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.98 dated 02.07.2020, registered under Sections 379-B, 336, 323 of Indian Penal Code (Sections 170, 363, 364, 506, 34 of IPC and Section 25/27-54-59 of Arms Act added later on) at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner herein would contend that a false case has been registered against the petitioner only on account of the fact that he is an RTI activist and he has brought to the forefront various scams involving politically and prominent persons. Learned counsel for the

petitioner would rely upon various newspaper clippings to establish his credentials. It is submitted that the instant FIR has been registered only as a counter-blast to the notice received by one Sh. Avtar Singh from Assistant Town Planner, Municipal Corporation, Hoshiarpur regarding the construction of colony in violation of provisions of PAPRA Act, 1995. It is argued that the allegations in the FIR that he had removed the turban of the complainant is palpably false, considering the fact that photographs on the facebook would reveal that the complainant is a person, who could be described as a person with trimmed beard and who does not wear a turban. It is argued that on the date of alleged incident, the petitioner herein was crossing the construction site of Sh. Avtar Singh, grandfather of the complainant and he saw that some trees were planted there and also saw persons sitting at the site, as such, he immediately informed the Commissioner, Municipal Corporation namely Sh. Balvir Raj Singh that construction work was going on, despite issuance of notice. He has taken photographs and made a video of the site. It is further argued that the entire incident as alleged in the FIR is thoroughly concocted, so as to stop the petitioner from doing his work as an activist and to allow the illegal construction to carry on. Learned counsel for the petitioner further relies upon a telephone conversation recorded with cousin brother of the complainant namely Kuljeet Singh in which it is said that Kuljeet Singh wanted to meet the petitioner.

3. Per contra, learned Senior counsel appearing on behalf of the complainant and the learned State Counsel would submit that the petitioner herein impersonated himself as DC of the Hoshiarpur to the complainant. It

is submitted that a reading of the instant petition would reflect that the petitioner had come on to the site in question around 8.30 pm at night and, therefore, was an unauthorized person. It is argued that the photographs appended to the petition would reflect that there are trees on the site and there is no indication that any illegal activity or construction was carried on. It is also contended that the photographs, as relied upon by the petitioner showing the complainant as a gentleman without turban and a beard pertain to the year 2013/2015 whereas, presently the complainant is having fully grown beard, and he supports a turban, therefore, this argument of the petitioner is without any basis. It is argued that at pistol point the complainant was kidnapped and inflicted with injuries which were looked into by the doctor concerned and there is an MLR to this effect. Learned Senior counsel for the complainant would further contend that under the garb of RTI activist, the petitioner herein is a blackmailer, who does not deserve the concession of anticipatory bail.

4. I have heard learned counsel for the parties and have gone through the pleadings of the case and the documents annexed.

5. In the opinion of the court, the photographs, as annexed with the petition, do not reflect any illegal activity being carrying on at the spot. In any case, if there was any illegal construction being carried on, that is to be seen by the Commissioner, Municipal Corporation, Hoshiarpur, who has already issued a notice dated 16.06.2020 to Sh. Avtar Singh (grandfather of the complainant). As per the FIR, the petitioner had represented himself as DC, Hoshiarpur at the spot to the complainant. The allegation against the petitioner of kidnapping the complainant, after having fired a gun shot,

needs to be investigated. There is also MLR of the complainant, having suffered four injuries. As per the allegations, the petitioner had also snatched away the mobile phone and purse of the complainant. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

6. In view of the above, the instant petition is hereby dismissed.

July 30, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No