

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29448 of 2020
Date of decision:26.11.2020

Soni Singh @ Soni

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.P.S.Sidhu, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing on account of outbreak of coronavirus (Covid-19) pandemic.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the petitioner in case FIR No.282 dated 27.08.2020 (Annexure P-1) registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "NDPS Act") and under Sections 307, 353, 186, 427 of Indian Penal Code, 1860 at P.S. Patran, District Patiala.

As per the allegations levelled in the FIR, a secret information was received by ASI Apaar Singh that the petitioner-accused was travelling in a Swift Car bearing No. PB-34B-1507 and carrying a mobile with two Hindu gentlemen and was carrying huge quantity of intoxicating tablets from Ghaziabad and was driving towards Nabha. Since the time period was very short, ASI Apaar Singh tried to block the car of the accused with his

own vehicle by parking it in front of the car of the accused near Toll Plaza Paind, District Patiala. HC Gurinder Singh parked his car behind the car of the accused. However, accused reverse his car with speed, hit the car of HC Gurinder Singh tried to run over the police party and sped away from the spot. The police party fired a shot in the air and tried to chase him but were unsuccessful.

Counsel for the petitioner has argued that the petitioner is innocent and is being falsely framed in the case. He submits that neither the petitioner was arrested from the spot nor any alleged recovery was effected from him. He urges that it is a case of no injury, therefore, the provisions of Section 307 IPC cannot be said to have been attracted. His assertion is that he has no connection with the mobile number mentioned in the FIR, though the car in question is in the name of his mother. His argument is that in fact he was never present at the spot and was at his native village.

Opposing the petition, State counsel assisted by the counsel for the complainant have submitted that the CCTV footage has been obtained from the Toll Plaza near which the incident took place. It has further been argued that ASI Apaar Singh knew the accused from an earlier point of time and recognized him. Still further, it has been pointed out that the accused has criminal antecedents and stands convicted in an FIR under the NDPS Act and was on parole.

I have considered the rival submissions of the parties.

The petitioner has not been able to give any reason as to why the police party will allegedly falsely involve him in an FIR. The clincher is the CCTV footage from which it is apparent that car bearing No.PB-34B-

1507 was at the spot of the occurrence. The ownership of the car is of the mother of the petitioner which fact has been admitted by the counsel for the petitioner. The fact remains that when the police party tried to stop the petitioner, instead of stopping and cooperating with them, he hit one of the two cars of the police officials, tried to run them over and sped from the spot. From the sequence of events as narrated in the FIR, there is a probability that the petitioner tried to kill police officials and obstructed them in the discharge of their duty.

The petitioner has a criminal past. The State in its reply filed by way of an affidavit of the Deputy Superintendent of Police, Circle Patran, District Patiala has given the details of the other cases against the petitioner, which is as follows:

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Punishment awarded</i>
1.	FIR No.73 dated 26.07.2014 registered under Section 22 of NDPS Act, at Police Station Bakhshiwala, District Patiala.	Recovery of 500 intoxicant capsules. The petitioner was acquitted in this case, vide order dated 25.05.2016 by the Court of learned Special Judge, Patiala.
2.	FIR No.104 dated 11.06.2015 under Section 15 of NDPS Act registered at P.S.Sadar, Samana, District Patiala.	Recovery of 1 quintal poppy husk. The petitioner was convicted by the Court of learned Special Judge and sentenced to imprisonment for 10 years.

It has been further pointed out that the petitioner was on parole in FIR No.104 dated 11.06.2015, when the alleged occurrence took place. The dubious past of the petitioner also does not advance his case. This Court is of the view that his custodian interrogation would be necessary.

In view of the above, no ground is made out for grant of anticipatory bail to the petitioner. The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

November 26, 2020

savita

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes/No