

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CRM No. M-33495-2020

Date of Decision : 19.10.2020

MEJAR SINGH AND ANR

....Petitioners

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Parminder Singh, Advocate for the petitioners.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Madan Pal, Advocate, for the complainant.

(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No. 503 dated 24.09.2020, under Sections 380, 427, 447, 457, 506, 120-B IPC, registered at Police Station Sadar Thanersar, District Kurukshetra.

Learned counsel for the petitioners argues that the petitioners have wrongly been roped into the present FIR as the petitioners have nothing to do with the said incident, which occurred on the midnight of 23/24.09.2020. Learned counsel for the petitioners submits that as the petitioners are ready to join and cooperate in the investigation, the benefit of anticipatory bail may kindly be granted to them.

Notice of motion.

Ms. Safia Gupta, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that the present is the case of the high handedness of the accused, where the petitioners alongwith the other co-accused demolished the six shops of the complainant by bringing a JCB machine at the spot and took certain items from the demolished shop. Learned State counsel submits that the act itself shows that the petitioners have no respect for law. The prayer for the grant of anticipatory bail is being opposed by the learned State counsel.

Learned counsel appearing on behalf of the complainant submits that the petitioners have taken law in their own hands and have caused immense loss to the complainant by demolishing his shops and also by taking the items present in the shop. Learned counsel for the complainant reiterates that the presence of the accused persons at the site with active involvement has been recorded in the CCTV Camera, which has already been presented before the police.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The act allegedly being done by the petitioner along with the co-accused, prima-facie, shows that the accused persons have no respect for law. Learned counsel for the petitioners admits that there was civil litigation going on between the parties for a passage. The accused persons demolished the shops so as to create the passage for themselves by treating themselves as law enforcers without there being any authority for the said purpose. Prima-facie, the allegations are such that no concession of anticipatory bail can be

given to the petitioners as the custodial interrogation of the petitioners is necessary to recover not only the tools used for demolition, but also the items, which have been taken away by them after the demolition of the shop and the car used for the said purpose. The act of demolition of the property of the complainant at the hands of the petitioners, as per the learned State counsel, has been recorded in the CCTV camera, which shows the active participation of the petitioners, who have a scant respect for law.

Once, the items taken from the demolished shops as well as the vehicle used for taking the said items is yet to be recovered, the custodial interrogation of the petitioners is necessary to effectively unearth the truth behind the allegations.

No ground is made out to grant the petitioners the benefit of anticipatory bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 19, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No