

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

Sr. No.117

CRM-M-9784-2021

Date of decision: 02.03.2021

Raghubir @ Bhira

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.56 dated 21.02.2021 registered under Sections 186, 283, 332, 34, 353 and 506 IPC at Police Station Uchana, District Jind.

The case of the prosecution is that on 21.02.2021 the petitioner, alongwith his co-accused, threatened and beat up constable Randhir Singh while he was discharging his official functions.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case for the reason that his wife was the Ex-Sarpanch of the village; the complainant has misused his position being a police official; the complainant had not paid the street vendor selling eggs and the petitioner had only asked him to do so which infuriated the complainant and in this regard attention of this Court is drawn to the affidavit of the said street vendor; the entire case of the prosecution is false as the alleged incident took place in public place but no independent witness had been joined; no recovery is to be made from the petitioner and that the petitioner is ready and willing to join the investigation.

Learned State counsel, who appears on advance notice opposes the grant of anticipatory bail to the petitioner on the ground that he is also involved in FIR No.36 dated 03.02.2014 registered under Sections 307, 323, 148, 149, 506 IPC and Section 27/54/59 of the Arms Act at Police Station Uchana, District Jind in which though he was acquitted under Section 307 IPC and Section 27 of the Arms Act, he stands convicted under Sections 148,149, 323, 324, 506 IPC and by producing the medico legal report of the complainant it is submitted that the petitioner inflicted injuries on a police constable while he was discharging his official functions.

The petitioner is a convict in the aforesaid FIR and the medico legal report of the complainant/constable Randhir Singh shows that several injuries were inflicted on him by the petitioner only because he asked the petitioner to park his car properly.

In the light of serious allegations against the petitioner that he, on being asked to follow the law, gave merciless beatings to a police official, in uniform, while he was discharging official duties and that too in broad daylight in a public place, this Court is of the view that the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

(DEEPAK SIBAL)
JUDGE

March 02, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No