

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

**CRM-M-28565-2021
Date of decision: 23.07.2021**

Victor John @ John Masih and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.47 dated 21.06.2021, registered under Sections 353, 186, 333, 148 and 149 of the IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Bhani Mian Khan, District Gurdaspur, Punjab.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of complainant-LR/ASI Jodh Singh, it is stated that on 20.06.2021, he received an information that a quarrel has taken place in village Darapur. He along with ASI Arjan Singh, on his official motorcycle reached the aforesaid village, where he noticed that some persons, as named in the FIR, including the petitioners, along with 20-25 unidentified persons were armed with brick-bats. On seeing them, all the petitioners and other unidentified persons started throwing brick-bats on them. One of the co-accused namely Vijay Masih threw brick-bats which hit below his lips on the right side, his right cheek and

right side of his back. Even the official vehicle which reached at the spot, was damaged and the windscreen of the same was broken. It is further stated that Vijay Masih along with the petitioners and other persons attacked the police party and caused injuries to them. Thereafter, complainant- Jodh Singh got his medico legal examination conducted and on that account, the present FIR was registered.

Learned counsel for the petitioners further submits that except the presence of the petitioners at the spot, no specific role has been attributed to them. It is also stated that two of the petitioners are in government service and have been falsely implicated.

Learned counsel for the petitioners further submits that the petitioners belong to the opposition party and there was a dispute regarding the allotment of residential plot from the panchayat land in favour of the other faction which belongs to the ruling party and on that account, dispute was arosen for which, the police party was called on Police Helpline Number 112 and 181, but no action was taken.

Learned counsel for the petitioners further submits that since the government was favouring the other persons, who belongs to the ruling party, the petitioners have been falsely implicated.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

In reply, learned State counsel submits that there is a video recording of the incident which shows that many persons from the petitioners side including the petitioners were throwing brick-bats on the

police party and not only the police officials were injured but their official vehicles were also damaged.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and taking into considering that the petitioners and other co-accused have taken the law into their own hands and have created lawlessness in the village and not only this, they have also thrown brick-bats on the police party, who have gone there to perform their official duties and petitioners along with other co-accused have also caused injuries to them and damaged the official vehicles, I find no ground to grant concession of anticipatory bail to the petitioners.

Accordingly, the present petition is dismissed.

23.07.2021

Chetan Thakur

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No