

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

CRM-M No.35013 of 2021

Date of Decision:-26.10.2021

Raj Kumar @ Raju

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. S.S. Pannu, D.A.G, Haryana.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.108 dated 20.07.2021 registered at Police Station Satnali, District Mahendergarh, under Sections 186, 188, 353, 379, 307 and 379-A IPC as well as Section 21(1) of Mines and Minerals (Regulation of Development) Act, 1957, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled against the petitioner in the subject FIR, are that the complainant named Anil Kumar, Mining Officer, Narnaul, along-with Mining Guard Pankaj Kumar, had gone to Village Digrota, for the inspection/checking in respect

of illegal mining. Two tractors, with trolleys, were seen coming from the hills' side. On being signalled to stop, the driver of one tractor drove it towards the checking team at a high speed with intention to kill them but they managed to save their lives. Thereafter, the tractor-driver emptied the trolley, loaded with stones, in the middle of the road and the second tractor-driver unloaded the trolley near a field. Then, the said tractor-driver scuffled with the officials and escaped from the spot along-with his tractor-trolley while trying to crush the above-named officials under his vehicle and on inquiry, his name was disclosed as Raju son of Ram Lal, i.e the petitioner.

Status-report, filed on behalf of the respondent-State, along-with the photographs Annexures R-1 to R-5, is already available on the file and the same are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that no offence under Section 307 IPC is made out against the petitioner and even otherwise, the story as put forth by the complainant in the FIR is highly improbable and in these circumstances, the petitioner deserves the relief as sought in this petition.

Per contra, learned State counsel has argued that the petitioner had tried to crush the members of the checking team of the Mining Department under his tractor-trolley while escaping from the spot and

therefore, the offence under Section 307 IPC has rightly been included in the FIR and moreover, the version, as set-forth by the complainant in this case, has a ring of truth around it and keeping in view the gravity of the offence as committed by the petitioner, the present petition be dismissed.

The question as to whether the afore-referred allegation qua the petitioner having attempted to run his tractor-trolley over the members of the said checking team is sufficient to make out an offence under Section 307 IPC or not, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and at the moment, the fact remains that it has categorically been alleged in the FIR itself that the tractor-driver named Raju, i.e the petitioner, who had scuffled with the members of the checking team, managed to flee away from the spot along-with his tractor-trolley and while doing so, he tried to crush the team members under his vehicle.

Similarly, the probability of the version of the complainant can also not be considered and determined/ascertained at this stage and rather, it would also be a subject matter for consideration and decision by the trial Court at the relevant stage while conducting the trial in this case.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 26, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*