

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

**CRM-M No.38203 of 2021
Date of Decision:-21.12.2021**

Surender

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. Sanjiv K. Aggarwal, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.105 dated 23.07.2021 registered at Police Station Sadar Rewari, District Rewari, under Sections 353/186/307/332/506/34 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that on 23.07.2021, complainant-informant Constable Raj Kumar, EHC Dharmender and Driver Vinod Kumar were present at Pataudi Road, NH-71 flyover in connection with the official duty. At about 12.00 midnight, a Trolly was seen coming from Rewari side

and they got the same stopped to check the over-loading thereof. In the meantime, one Car bearing registration No.DL-8-CAP-0990 came there and 2-3 persons were sitting in it. They asked the driver of the Trolly to leave the spot and on their (officials') refusal to let him go, the driver of the said Car attempted thrice to run his vehicle over them and in this process, he lost control over the same and resultantly, it (Car) struck against a tree and then, the occupants of the Car fled away from the spot.

Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, (UT) Rewari.

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 the officials present at the spot had demanded a sum of Rs.30,000/- from the petitioner for letting the Trolly being driven further and on his refusal to pay the same, they had put the barricades in front of his Car which led to the above-said accident and the petitioner has already moved a complaint to the higher police officers in this regard and moreover, as per the medico-legal report of the complainant, he had pain and mild swelling only around the nail of his left great toe and thus, no offence under Section 307 IPC is made out in this case and he has also referred to the transcription of the audio-recording claimed to be pertaining to the conversation between the petitioner and ASI Manvir Singh, i.e Annexure P-7 and has further

contended that from the contents of this document, it becomes clear that the petitioner has been falsely implicated in this case and in these circumstances, he deserves the relief as sought in the present petition.

Per contra, learned State counsel argues that the allegations regarding the demand of money from the petitioner are blatant lie and the complaint, as moved by the petitioner to the higher police officers, has been enquired into and the allegations levelled therein have been found to be baseless/false and moreover, the above-said transcription cannot be taken into consideration as its authenticity is yet to be established and even otherwise, the same does not even whisper about the afore-alleged demand of money and keeping in view the gravity of the offence as committed by the petitioner, this petition be dismissed.

As regards the allegations levelled by the petitioner regarding the demand of money from him, the complaint moved by him in this regard is stated to have been decided/filed. Even otherwise, mere levelling of the said allegation does not suffice at all, at this stage, to negate the entire version of the complainant-informant so as to extend the relief of anticipatory bail to the petitioner. Rather, the veracity/truthfulness of the same 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.

Though the injury on the person of the complainant is reported to be the mild swelling on his great toe but it is worthwhile to mention here that the *mens-rea* or knowledge are the key-decisive factors to ascertain as

to whether the said offence is made out or not. Even otherwise, this aspect shall also be a subject matter for consideration and decision before/by the trial Court at the relevant stage and at the moment, the fact remains that as mentioned in Para No.4 of the status-report, the petitioner is found to be the owner of the said Trolly/Trailer as well as the Car and as deposed in Para No.6 therein, he himself was driving the Car at the time of the alleged occurrence and there are specific allegations in the FIR itself that the driver of the said Car tried thrice to run his vehicle over the above-said officials.

So far as the above-said transcription (Annexure P-7) is concerned, the same, by no stretch of imagination, can be taken to be sufficient at all to substantiate the afore-said allegation qua the demand of money.

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.

December 21, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*