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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14773-2022
Date of Decision: 07.04.2022

Kuldeep Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.K. Bhatnagar, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.97 dated 17.03.2022, under Sections 353, 186, 506, and 149 IPC, registered at Police Station 'B' Division, District Amritsar.

As per the allegations contained in the FIR which was lodged on the basis of statement made by LR/ASI Nirmal Singh that he is posted as LR/ASI in Punjab Police Department and posted at Police Station Mokumpura, District Amritsar and performing the duties of effecting the service of summons/warrants and in routine use to effect the service of summons/warrants issued by different Courts at Amrtisar. On 15.03.2022 the Head Munshi of Police Station handed him a proclamation under Section 82 of the Code of Criminal Procedure issued by the Court of Smt.

Shweta, JMIC, Amritsar against the present petitioner namely Kuldeep

Kumar and to serve the proclamation he alongwith his companion employee LR/ASI Pardeep Kumar reached at Civil Parchat to serve the aforesaid petitioner Kuldeep Kumar at his house where the wife of aforesaid Kuldeep Singh met them and to whom he and other officers disclosed their names, number and rank and she stated that her husband is not at home and thereafter the mobile number of petitioner Kuldeep Kumar was taken from her and was called and it was disclosed to him that there was a proclamation under Section 82 Cr.P.C against him and who told them that they may not affix the proclamation outside the house and at that time he was standing at Sukha Talav Mandi, Sultanwind Road, Amritsar and they can come there. Thereafter, the complainant alongwith the other police officials reached the place and they were taken in the Hata near Sukha Talav Mandir where the petitioner was accompanied by 4-5 persons and the petitioner started arguing with the complainant and other police official, even though they showed their I-Cards to the petitioner but the petitioner snatched the I-Cards and threatened them that they will be killed and they also started using abusive language against them. Thereafter the complainant who is a police official was caught hold from the shirt and taken towards the road and pocket of the shirt was torn and also broke 3 buttons and thereafter even the documents of proclamation under Section 82 Cr.P.C were also torn and thereafter while pushing him, he was slapped and fist blows were also given in the abdomen.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and in fact no such incident had taken place. He further submitted that there is a delay of 2 days in lodging of the FIR and, therefore, the petitioner may be considered

for grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned DAG, Punjab has submitted that he has received the advance copy of the present petition and he has gone through the same and has sought instructions. He further submitted that it is a case where two police officials had gone to the house of the petitioner for effecting service notice of proclamation under Section 82 Cr.P.C where they met his wife and got the mobile number of the petitioner and the petitioner called them at another place so that service may be effected but the petitioner called some more persons and misbehaved with the complainant and thereafter even torn the shirt as well as gave beatings by fist blows to him and thereafter the notice of proclamation under Section 82 Cr.P.C was also torn. He further submitted that the seriousness of the allegations itself would disentitle the petitioner for grant of anticipatory bail.

I have heard the learned counsel for the parties.

As per the allegations undoubtedly the same appear to be not only serious but also of having high magnitude. During the course of arguments, the learned counsel for the petitioner had also argued that the police officials had demanded some money but there is nothing on the record to substantiate the same and on a specific query being put to the learned State counsel, he submitted that such a story has been made as an afterthought. So far as the other arguments raised by the learned counsel for the petitioner that there was a delay of 2 days in lodging of the FIR, the same also cannot become a ground for grant of anticipatory bail in view of the acute seriousness of the allegations.

In view of the above, considering the gravity of the present

case, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.04.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No