

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

CRM-M-25092-2022 (O&M)

Date of decision: 01.06.2022

Nikka Singh @ Kuldeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.S. Gill, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 34 dated 19.05.2022, registered under Sections 353, 186, 341, 332, 506, 427 IPC read with Section 34 IPC, at Police Station Sehna, District Barnala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that no specific role has been attributed to the petitioner; that there is no allegation of theft of electricity by the petitioner; that as a matter of fact, the people of the village had the prior knowledge of the raid by the electricity department, which was why they had put wooden sticks on the road and that as such no offence under Section 353 IPC is made out against the petitioner. All the offences are bailable, except offence under Section 353 IPC.

I have heard the learned counsel for the petitioner and have also gone through the paper-book.

The allegations against the accused (including the petitioner), in the FIR are specific that they, in furtherance of their common intentions, while preventing the officials of the electricity department from discharging their duties, had attacked and assaulted them. In the said occurrence, one of the officials i.e. Vikrant Shah, J.E., had received injuries on the elbow of the right arm and on the back. Besides, the accused had also attempted to break the glasses of the official vehicle and had also removed turban of Ranjit Singh, ALM. The investigation is still going on.

Considering the nature of the allegations contained in the FIR, this Court does not deem it a fit case to grant anticipatory to the petitioner. The petitioner accused of assaulting and attacking the public servants and preventing them from discharging their duties, cannot claim immunity. Therefore, the petitioner is required for the custodial interrogation.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

01.06.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No