

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

CRM-M-38214-2022

Date of decision : 26.08.2022

Ankit

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Nilesh Bhardwaj, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.189 dated 15th July, 2022 registered for offences punishable under Sections 186, 279, 336, 359, 420 of the Indian Penal Code, 1860, at Police Station Bahalgarh, Sonapat, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. It is matter of record that the petitioner filed petition seeking similar relief i.e. CRM-M No.36285 of 2022, which was withdrawn. Merely after five days thereof, present petition has been filed. As per counsel for the petitioner, the change in circumstance will be that the petitioner has paid fine as per law and, thus, he is absolved of culpability.

3. As per the allegations levelled in the FIR, it has been stated that :-

*“I am Gurpreet Singh MVO(E) posted in RTA Sonapat,
which is today on 15-7-2022 in Government Car Balaron No.*

HR70C-3967 My Checking Staff SI Dhanraj, SI Devendra, EHC Atul No. 1774, S. Virendra No. 2126 DVR Praveen, along with DVR Amit were checking vehicles from Murthal to Delhi Border GT ROAD. During checking we found a Truck which was going from Murthal to Delhi in which we suspected overload to be there and we took our car behind to check truck on which driver seeing RTA's car ran away after parked truck car on ROAD near Fauji Dhaba GT ROAD when we went near to truck. When I checked, at the same time a black vehicle number HR10AL-0151 came, he told his name as Ankit and said that this truck is mine, when we asked him for the departure or slip of the car, he refused to give it, then we checked the trolley car in front of him, then the number HR69D6798 on the front and on the back side HR69E3329 was written on which was covered by applying grease, when we checked in the cabin inside the car in front of the above mentioned, we found an E Receipt in which weight was found 168.990 ton with car number while the above car is 40 ton pass which becomes overload and On the spot IMPOUND was done by challan the truck, taking possession of the truck, DVR Amit, Murthal started taking it to the Driving School Parking, then Ankit that he would not let the truck be taken and abused and slandered and started obstructing his government work. Later, when we started taking Truck to the parking lot, he brought his Black Scorpio car No. HR 10AL - 0151 from behind and rammed into the Truck in front of the driver side and tried to cause bodily injury to the employees, When we tried to catch the above mentioned car, he ran away with the key after closing the car, which was IMPOUND by challaning the above truck number HR 69D 6798, it was locked and parked in the Driving School Murthal and Scorpio colour black bearing registered number HRIOAL0151 are still parked at spot. Ankit has obstructed the government

work and the car has deliberately hit the truck and attempts have been made to cause bodily harm to the employees..”

4. The petitioner is accused of running down the government officials who apprehended the overloaded vehicle belonging to the petitioner. Payment of fine imposed for overloading of the vehicle cannot be taken a change in circumstance to make the present petition maintainable after withdrawal of the first petition for the same relief.

5. Consequently, the same is dismissed.

August 26, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No