

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.53710 of 2021 (O&M)
Date of Decision.09.02.2022
(Heard through VC)

Ravinder Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kanwar Inder Singh, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

1. The petitioner is seeking anticipatory bail by way of this petition filed under Section 438 Cr.P.C. in FIR No.198 dated 02.12.2021 registered under Sections 436, 435, 427, 120-B IPC at Police Station Haryana, District Hoshiarpur.

2. In brief, the facts are that the aforesaid FIR came to be registered by the complainant-Jaswinder Singh on an allegation that he is the owner of four tippers, two JCB machines and tractor-trolleys and does the mining work after having got permission from the relevant quarters. One Narinder Singh @ Manku also does the mining work along with Paramjit Singh son of Kuldeep Rai and Ravinder Singh @ Ravi son of Hari Singh. None of the abovesaid three persons had permission from the Department for mining. On this account, the complainant was threatened by them that they would cause loss to his business. They also threatened his

drivers to leave their jobs. Paramjit Singh @ Pumma and Ravinder Singh @ Ravi had threatened the complainant and his cousin that they would damage his new tippers. On the night of 25.11.2021 when the complainant had stationed his four tippers, two JCB machines, tractor trolleys and other implements and had gone to sleep, he heard noise of vehicle stopping outside his haveli/house. He saw Paramjit Singh @ Pumma and Ravinder Singh @ Ravi along with 5-6 unidentified persons setting his tippers on fire by throwing plastic bottles filled with petrol. The glasses of another new tipper were also broken. The complainant raised a noise and woke up his drivers, who tried to control the fire by throwing sand and water on the tipper. Fire was also set on other implements lying in the room by throwing petrol. An FIR was registered on 02.12.2021 against the said accused for having destroyed his property.

3. Mr. Kanwar Inder Singh, learned counsel appearing on behalf of the petitioner would submit that all allegations levelled in the said FIR are patently false and the petitioner has not been named as one of the persons, who had set the tippers/implements on fire. He would also argue that there is an inordinate delay in registration of the FIR, which ought to have been registered at the very first instance and all allegations therein are an embellishment. It is also argued that the newspaper reports itself reflect that the complainant was not present at the spot and has made a statement to the newspaper agency to that effect.

4. Learned counsel appearing on behalf of the complainant, on the other hand, explains the delay in lodging the FIR by submitting that an effort was being made to locate the 4-5 unidentified persons, who had accompanied the persons named in the FIR, while contending that his new

tippers had been set aflamed along with implements only on account of the fact that he has licence to mine whereas Ravinder Singh @ Ravi and others were doing illegal mining. He would further argue that the petitioner herein had applied for blanket bail before the trial court, however, the same was rejected, which would show his complicity and involvement in the said offence. In case, he was innocent, there would be no need for him to have applied for the bail.

5. A reply has been filed on behalf of the respondent-State and it is argued that the complainant has suffered a huge loss on account of his tippers and implements being set on fire and damaged and therefore, the petitioner herein is not entitled to grant of anticipatory bail and his custodial interrogation would be required.

6. I have heard learned counsel for the parties. As per the FIR, there are specific allegations against Ravinder Singh @ Ravi that he had enmity against the complainant and it was on this account that a new tipper and the implements had been set on fire and damage has been caused to another tipper. Keeping in view the gravity of offence, this Court is of the opinion that custodial interrogation of the petitioner would be required.

7. Consequently, the instant petition is dismissed. However any observations made herein are not to be construed as opinion on the merits of the case.

(JAISHREE THAKUR)
JUDGE

February 09, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No