

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109-CRM-M-1610-2023

Date of Decision: 12.01.2023

Sanju @ Sanjay Kumar

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ujwal Anand, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.0259 dated 30.10.2022 (Annexure P1), under Section 353/186/332/341/506/148/149 IPC registered at Police Station Lambi, District Sri Muktsar Sahib.

Counsel for the petitioner contends that he is only working as Help/Servant at the house of main accused. He has sought the protection stating that there is a clear cut violation of the directions issued in **Arnesh Kumar vs. State of Bihar, Civil Appeal No.1277 of 2014**, wherein the investigating agency was required to serve advance notice under Section 41 CrPC. He further argued that non-compliance of the directions made in **Arnesh Kumar's** case (supra), would entail taking of appropriate action against the erring officials who are liable to face prosecution under the Contempt of Courts Act.

No other point, on merits, was raised by counsel for the petitioner to make out a case for grant of anticipatory bail to the petitioner.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice and, on instructions from ASI Amar Singh, states that it is a

gang which is operating in immoral trafficking. One case is already pending against co-accused Bittu Kaur whose bail petition was declined by this Court vide order dated 06.01.2023 in CRM-M-1-2023 (Annexure P4). Similarly, bail petition i.e. CRM-M-59657-2022 of another co-accused, namely, Mandeep Kaur @ Rajwanti was dismissed by this Court vide order dated 21.12.2022 (Annexure P3).

Learned State counsel has also produced photographs, which are taken on record as Mark 'A' and Mark 'B', which, *prima facie*, show the direct involvement of the present petitioner, who can be seen wearing woolen jersey in blue colour with an active role in manhandling and tearing off the clothes of police official. There is also a CD prepared of the incident as well, which is in possession of the investigating agency.

Since the matter is still under investigation and the injuries were caused, as per the MLR, which are 6 in number, to the police official enhancing the gravity of the offence and the other allegations leveled against the petitioner, this petition is devoid of any merit and is accordingly dismissed.

12.01.2023

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No