



53. IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31266 of 2024
Reserved on: 16.07.2024
Pronounced on: 30.07.2024

Man Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
441	22.06.2024	City Ballabgarh, District Faridabad	307, 332, 353, 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 16 of the bail application, the accused declares that he has no criminal antecedents.
3. The facts of the case are being taken from reply dated 09.07.2024 and the relevant paragraph(s) of the same reads as follows:

“2. That brief facts of the case are that on 21.06.2024 when police party consisting of ASI Prem Parkash, SPO Harkesh and Ct. Anil Kumar were checking the vehicles and reached near Bus Stand Police Post Ballabgarh a White colour car bearing No. RJ-05UB-2160 was parked in the middle of the road. ASI Prem Parkash asked the driver to remove the same from the middle of the road but driver did not remove his car. He asked the driver to show the documents of the car but he started threatening ASI Prem Parkash. Said driver was in the influence of liquor. The driver dragged ASI Prem Parkash inside car from the window and started to drive car and stated that today he will stop the vehicle only after murder of ASI Prem Parkash and tried to run over the car upon Constable, who was standing in front of the car, said Constable saved himself by jumping aside. ASI Prem Parkash pulled the hand- break of the car and stopped the car. It was prayed that action be taken against said car driver. On the basis of said



complaint, the present FIR bearing No. 441 dated 22.06.2024, under Section 307, 332, 353, 506 IPC was registered."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner refers the following portions of the petition, which reads as follows:

"3. That as would be apparent from the perusal of above FIR, as per the version of the complainant he was on his traffic control duty, when he had asked the petitioner to produce documents they were not produced, then the complainant opened the driver side door of the car after which the complainant was allegedly pulled inside the car and car was driven at high speed carelessly with an attempt and intention to kill a constable standing in front of the car but that constable has saved himself. The petitioner was in drinking condition as such challan was issued and he was released from the custody.

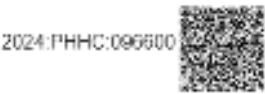
*4. That from the perusal of FIR itself it is clear that at the 1st instance the police officials present at the spot found the matter to be a case of "drink and drive" and as such traffic challan no. HR60737240621194212 for a fine of 7000 was issued to the petitioner and he was released by the police on the same day. A true copy of the traffic challan dated 21.06.2024 is attached as **Annexure P-2.**"*

5. The State opposes bail and has referred to relevant paragraph(s) of the reply which reads as under

"7. That during investigation, it has been revealed that the petitioner/accused was intentionally interfering in the government work, while a government officer was keeping vengeance for issuing a challan under Motor Vehicle Act against the petitioner/accused. The car of petitioner/accused bearing registration No. RJ-05UB-2160, is registered in the name of petitioner/accused, had attempted to kill the injured and other police officials by ramming with his car. In this manner, the petitioner/accused has committed an illegal act, for which he is liable to be tried and punishable in accordance with law.

8. That the allegations against the petitioner are serious in nature. He is involved in the offence under Section 307 IPC and the conduct of the petitioner/accused clearly shows that he has no fear of law. He not only pulled a police officer of the rank of ASI inside the car while he was discharging his duty and tried to cause his death by driving the car with high speed in rash manner while the said ASI was hanging in the window of the car but also tried to run over his car over another constable, who was standing in front of the car, to stop it for the purpose of checking. In case, the said constable did not jump aside, he may loss his life. Hence, the present petition is liable to be dismissed being devoid of any merit.

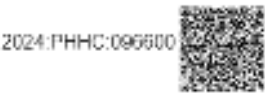
9. That the act and conduct of the applicant/accused is very much clear from the contents of the FIR. He has no fear of the law and tried to dragged the complainant/ASI Prem Parkash inside the car and drove the vehicle rashly with



high speed and also tried to run over the car on another police official, who was standing in front of car and doing his official duty. In the said scuffle, ASI Prem Parkash sustained three injuries mentioned in MLR (Annexure R-1)."

6. The petitioner has attached a pen drive containing the video of the incident. The video makes it clear that the petitioner was on the driver’s seat, and one Police Officer jumped inside the car to control it and was able to stop it as detailed in paragraph 2 of the reply.
7. Although prima facie no offense under Section 307 IPC appears to be made out, instead investigator should have considered Section 308 read with 511 of IPC. Despite the petitioner being in police custody, as he was taken to the police post, there is no explanation in the reply for why he was let off. Given the above, once the Police let the petitioner go and later inserted Section 307 IPC, this Court will not become an instrument to play in the hands of the Police and the investigator might also have been under some influence or biased for any other reasons.
8. Given the penal provisions which would likely attract, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	



3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.07.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.