



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.209

CRM-M-54263-2024 (O&M)

Date of decision:11.11.2024

Karan Singh

...Petitioner

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Vineet Chaudhary, Advocate
for the petitioner.
Mr. Rajinder Kumar Banku, DAG, Haryana.
Mr. Naveen Gupta, Advocate for the complainant.

N.S. SHEKHAWAT, J.

CRM-44512-2024

Application is allowed, as prayed for.

CRM-44513-2024

Application is allowed, subject to all just exceptions.

Respondent No.2/victim is ordered to be impleaded as respondent No.2.

Amended memo of parties is taken on record.

Main case

1. The petitioner has filed the present petition under Section 482 of BNSS, 2023 with a prayer to grant him pre-arrest bail in FIR No.230 dated 16.10.2024 under Sections 190/121(1)/132/223(A)/351(2) of BNS, 2023 registered at Police Station Sadar, Ambala City (Haryana).



2. The FIR in the present case was got registered by Chandershekhar, bailiff and the same reads as under:-

"To, the SHO, Police Station Sadar, Ambala. Sir, It is requested that I Chandershekhar son of Devi Sav, is resident of H.No.47, Patel Nagar, Ambala City and I am posted as Bailiff in the court of Pallavi Ojha, Civil Judge (Junior Division), Ambala City. Today on 16.10.2024 I was given a copy of an order regarding Execution No.133/24, warrant of possession dated 10.10.2024 whose next date of hearing is 14.11.2024. As per the aforesaid order, I had to get the possession of Shop as per the site plan and decree restored to the decree holder Rajesh Kumar son of Yad Ram, resident of House No. 1863, Housing Board Colony, Sector 10, Ambala City. Regarding the aforesaid, today at about 12:30, I reached along with the aforementioned decree holder Sh. Rajesh Kumar and others at the aforementioned shop situated on Jalbera Road Near Surya School. The aforesaid shop Rana Metals was in the possession of Sh. Karan Singh Rana. I started the warrant proceedings on reaching in compliance to the order of learned court and Karan Singh was present along with his servant. I told him about the warrant proceedings along with other documents and as per the order of learned court told him to vacate the aforesaid shop. Karan Singh after perusing the documents and on reading the order of ld. court sought a time to talk to his lawyer. I gave him sufficient time and after some time, Karan Singh with the help of his servant started taking out the articles. The aforementioned decree holder Rajesh Kumar also put his servants to take out the articles. For some time I was doing my duty in a proper manner and many articles of the shop were taken out by Karan Singh. After that at about 4:00 P.M., the proceedings were going on properly but at that time Karan Singh went away from there by leaving his one servant in the shop for some time and after some time he along with 18-20 boys with muffled face came there and raised Lalkara and told me that I will teach you a lesson for restoring the possession



and abused me and started giving beatings to me. The muffled boys came along with him also gave beatings to me and decree holder Rajesh Kumar and removed the name plate from my uniform and thrown me down due to which I received injuries on my right hand, on knee and left shoulder. When I and Rajesh Kumar shouted to save us then the nearby shopkeepers and passers-by saved us from the clutches Karan Singh and boys came along with him. Even after that, all muffled boys threatened to kill me and Rajesh Kumar, ran away by putting a lock on the shop. By doing so Karan Singh and 18-20 muffled boys whose name are not known tried to interfere in a govt. work, gave beatings to a govt. employee and abused me. Legal action be taken against them. I shall produce my medical. Chandershekhar son of Devi Sav, resident of H.No.47, Patel Nagar, Ambala City at present working as Baliff in the Id. court of Pallvi Ojha, Civil Judge (Junior Division), Ambala City. Mobile No.9416954300."

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant in the present case are palpably false as no such incident had taken place at all. On 16.10.2024, when the official (complainant) of the court below came at the spot and asked the petitioner to vacate the shop, the petitioner requested the complainant to wait for some time as the petitioner had to get confirmed from his advocate regarding the orders of warrant of possession. The petitioner left the spot to meet his lawyer and in his absence, the goods/material belonging to the petitioner were taken out of the shop and the goods were handed over to decree holder in a wrong and illegal manner.

4. Learned counsel further contended that the petitioner had earlier served in Indian Army and had no criminal background. He always

respected the orders passed by the court and had also vacated the shop on



getting the orders from the court. Learned counsel also submitted that the petitioner had never misbehaved with the bailiff of the court and the FIR has been wrongly got registered by the complainant against the petitioner.

5. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner by alleging that the petitioner had beaten up the bailiff of the court and had also torn his uniform. Further, the petitioner and his accomplices had caused serious injuries on the person of bailiff, an officer of the court, and he was medico legally examined by the doctor. Still further, while referring to the order dated 21.10.2024, learned counsel submit that even 18/20 masked persons had assaulted the decree holder and bailiff during the proceedings of taking the possession of the property in question. Apparently, the bailiff and the decree holder were attacked at the instance of the present petitioner as the possession of the property of the petitioner was to be taken by them, in compliance of the judgment passed by the civil court.

6. I have heard the learned counsel for the parties and perused the case file minutely.

7. In the present case, the bailiff of the court had gone to take possession of the property in question from the petitioner and after reaching at the spot, bailiff and decree holder were beaten up and even the uniform of the bailiff was torn and injuries were inflicted to him. Even in order dated 25.10.2024 (Annexure P-12), the trial Court had noticed the said fact. Thus, it is apparent that there are very serious allegations against the petitioner and he does not deserve the concession of pre-arrest bail. Moreover, in the



is imperative to know the names of co-accused, who had helped the petitioner in attacking the bailiff/complainant.

8. In view of the above, the present petition is dismissed, being devoid of any merits.

(N.S. SHEKHAWAT)
JUDGE

11.11.2024
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO