
(2021) 08 P&H CK 0002

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 14951 Of 2021

Hari Ram And Another

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 06-08-2021

Acts Referred:

Indian Penal Code, 1860 — Section 148, 148, 186, 323, 332, 353, 506

Citation : (2021) 08 P&H CK 0002

Hon'ble Judges : H. S. Madaan, J

Bench : Single Bench

Advocate : Gaurav Bansal

Final Decision : Allowed

Judgement

H. S. Madaan, J

Reply filed by learned State counsel be placed on record. This petition for pre-arrest bail has been filed by the petitioners Hari Ram aged 52 years son

of Girraj Sharma and his son Ajay @ Bunti aged 27 years son of Hari Ram, both residents of Village Deeg, Police Station Sadar Ballabgarh, District

Faridabad, both of them being accused in FIR No.0073 dated 08.03.2021, under Sections 148, 149, 186, 323, 332, 353, 506 IPC, 1860, registered at

Police Station Sadar Ballabgarh, District Faridabad.

Briefly stated facts of the case, as per prosecution story, are that on 07.03.2021, a team of officials from DHBVNL, Sub Division City Ballabgarh,

comprised of Ashok Khatri - JE, Moti and Rohtash - both ALMs carried out raid at the premises of accused persons and accused were 1 of 3 found

indulging in theft of electricity. While the team was preparing checking report, at that time, the petitioners-accused assaulted them causing them

injuries inasmuch as Rohtash received three injuries with blunt weapon.

On matter being reported to the police, formal FIR was recorded. Apprehending their arrest in this case, both the petitioners had approached the Court

of Sessions Judge, Faridabad by filing an application for grant of pre-arrest bail. Such application, which was assigned to the Additional Sessions

Judge, Faridabad, was dismissed on 24.03.2021.

Feeling aggrieved, the petitioners have now knocked at the doors of this Court craving for grant of similar relief.

Hari Ram And Another vs State Of Haryana on 6 August, 2021

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

No doubt, assault on the public servants, who are on duty, cannot be taken lightly because if it is so done, then the public servants would feel

demoralized and disheartened. In that way, they would not be able to discharge their duties without fear or favour. The attack on the checking staff

needs to be viewed with all seriousness. After going through the contents of the FIR and perusing the other documents available on record and

analysing the submissions made by learned counsel for the petitioners and learned State counsel, I find that involvement of Ajay @ Bunti along with 5-

6 other persons in the incident is certainly there whereas the other allegation of petitioner no.1, who is an old man, assaulting the officials of DHBVNL

and causing injuries to them, comes out to be a little doubtful. Therefore, as far as petitioner no.1 Hari Ram is concerned, he can 2 of 3 be granted

benefit of pre-arrest bail whereas it is not so with regard to Ajay @ Bunti.

Under the circumstances, the present petition with regard to petitioner no.2 Ajay @ Bunti stands dismissed whereas it is accepted with regard to

petitioner no.1 Hari Ram. It is directed that in the event of arrest in this case, he be released on bail, subject to the following conditions:-

1. that petitioner no.1 shall make himself available for investigation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that he shall not leave India without prior permission of the Court.

4. that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, petitioner no.1 violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for

cancellation of bail.

Accordingly, the present petition is allowed with regard to petitioner no.1 Hari Ram and dismissed with regard to petitioner no.2 Ajay @ Bunti.