

(2010) 11 P&H CK 0392

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous M. 28317 of 2010

Tek Ram

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 18, 2010

Hon'ble Judges: M.M.S. Bedi, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

M.M.S. Bedi, J.

The Petitioner seeks the concession of pre-arrest bail in a case, registered at the instance of District Town Planner, Enforcement Gurgaon. The allegation against the Petitioner is that he had interrupted the complainant and created hindrance in discharge of his official duties by leading a mob to obstruct the demolition drive.

2. Learned Counsel for the Petitioner has vehemently contended that the Petitioner has been falsely implicated in the case at the instance of SHO Snajay Kumar in connivance with JMD Company. The said police officer wants to pressurize the Petitioner to sell his 13 1/2 acres of land, which is adjacent to Sector 62-63, Gurgaon. So far as the Assistant Town Planner, a witness to the occurrence, is concerned, counsel for the Petitioner claims that he also indulges in property dealing and that the Petitioner has been falsely named in the case.

3. Counsel for the Petitioner submits that the Petitioner was not present on the spot on the date of the occurrence and that when he returned back, he came to learn about the incident.

4. Vide order dated 24.9.2010 while issuing notice of motion to the State, it was observed that the incident had been video-graphed and a direction was given to the prosecution agency to produce the video CD/ photographs. The investigating officer is present in the court. He has produced a few photographs extracted from the C.D. to show that the Petitioner is present on the spot.

5. I have heard counsel for the parties and gone through the record as well as the photographs. The presence of the Petitioner at the time of the occurrence in the photographs indicates his participation in the event of obstruction of the demolition drive. No extra ordinary exceptional circumstances exists for the grant of pre-arrest bail to the Petitioner. Photographs returned;

6. Dismissed. This order will not, in any manner, prejudice the right of the Petitioner to seek the concession of regular bail by surrendering before the police or the Illaqa Magistrate.