

(2016) 11 P&H CK 0116

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Misc. No. M-39905 of 2016.

Jaigopal Banwala - Petitioner
@HASH State of Haryana

APPELLANT

Vs

RESPONDENT

Date of Decision: Nov. 16, 2016

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 243, Section 341

Citation: (2017) ALLMRCri 244 : (2017) 1 LawHerald 347 : (2017) 1 RCRCriminal 146

Hon'ble Judges: Inderjit Singh, J.

Bench: Single Bench

Advocate: Raj Kapoor Malik, Advocate, for the Petitioner; Vikramjit Singh, Additional Advocate General, Haryana, for the Respondent

Final Decision: Dismissed

Judgement

Inderjit Singh, J. - This order will dispose of the above mentioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.14 dated 18.2.2016 registered for the offences under Sections 147, 149, 283 and 341 IPC and Section 10 of National Highway Act (hereinafter referred to as 'the Act') at Police Station Titram, District Kaithal.

2. Notice of motion was issued in Criminal Misc. No. M-39905 of 2016 on 9.11.2016. Notice of motion to Advocate General, Haryana in Criminal Misc. No.M-40765 of 2016.

3. Mr. Vikramjit Singh, learned Additional Advocate General, Haryana has put in appearance on behalf of the respondent-State. He has also accepted notice in Criminal Misc. No.M-40765 of 2016 and contested these petitions.

4. I have heard learned counsel for the petitioners and learned Additional Advocate General, Haryana appearing for the respondent-State and have gone through the Police record.

5. The FIR in the present case has been registered on the allegations that on 18.2.2016 in connection with Jat reservation many people including Dharampal Chhot, Ranbir Singh Fauji, Balwan Singh Kotra, Subhash Badsikri, Basau Ram Devigarh, Kuldeep, Rampal Guhna, Hoshiar Singh Peoda, Jaipal Kotra, Ajmer Singh Harsola, Mallu Singh Balu and 100/120 other persons with raising slogan, sat in between the road, blocking the same with tractor and trollies and also fixed tent on the road and jammed the National Highway No.65.

6. Learned counsel for the petitioners argued that the offences are bailable. If the offences are bailable, then anticipatory bail petitions are not maintainable. These are only maintainable when the offences are nonbailable. Secondly, learned counsel for the petitioners argued that at the most Section 8 of the National Highway Act can be made out and punishment for that is upto five years. If this is so, then this offence will be treated as non-bailable.

7. On merits also, I find no ground for grant of benefit of anticipatory bail to the present petitioners. By blocking the National Highway and fixing tents or blocking the same with tractors and trollies etc., they had caused inconvenience also to the general public. If the petitioners have the right to agitate or to raise their grievance, at the same time, they have also the duty not to cause any inconvenience to other persons and not to violate the fundamental right of free movement of other persons. It is basic law that for availing fundamental right by one person, he can not violate the fundamental rights of others. If they are to agitate, they can agitate anywhere else where no inconvenience is caused to the general public. But by blocking the National Highway they have violated the fundamental right of general public of free movement and lot of inconvenience was caused to thousands of people by the act of the petitioners.

8. Therefore, in these circumstances, I do not find it to be fit cases where the petitioners are entitled to anticipatory bail. Hence, finding no merit in these petitions, the same are dismissed.