

**IN THE COURT OF SH. PUNEET MOHAN SHARMA
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR
UID NO. PB0167**

CIS No. BA/111/2024
CNR No. PBH001000293-2024
Date of order: 10.01.2024

Arun Gautam aged 41 years son of Kishan Chand Sharma resident of Shri Guru Harkrishan Nagar Una Road, village Bajwara, Tehsil and District Hoshiarpur.

.....Applicant-Accused

Versus

State of Punjab

..... Respondent.

FIR No. 08 dated 04.01.2024
U/s 332,353,186,506 IPC
Police Station: Sadar, Hoshiarpur.

(FIRST APPLICATION U/S 438 CR.PC FOR ANTICIPATORY BAIL)

Present: Sh. H.S Saini Advocate, counsel for applicant-accused.
Sh. Varinder Kumar Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of an application filed by the applicant/accused for grant of anticipatory bail in the above noted case.
2. As per case of prosecution in brief, the present case was registered on the statement of complainant Komit Forest Guard, wherein he stated that on 03.01.2024 Beldar Balraj was on routine checking and when he

reached on the road turning towards village Bajwara he saw that servant of Arun Gautam was cutting a tree No. 4 standing on the road side with axe, then Beldar stopped the servant of Arun Gautam and after taking into possession axe he came to the office and told the entire incident to him. Upon which complainant Komit reached on the spot where Arun Gautam was present and when the complainant asked said Arun Gautam about the cutting of tree by his servant, he immediately got into frenzy and he took the iron rod from the shop and gave iron rod blow on his head, however in order to ward off the said blow the complainant raised his left hand and the blow hit on his left hand. Then Arun Gautam caught hold of complainant and then slapped the complainant and also pressed his neck and as such Arun Gautam has restrained the complainant from doing his official duty. In the mean time Balraj also came there and he alongwith othe people gathered on the spot rescued him from said Arun Gautam. Now apprehending his arrest the applicant-accused has filed the present application for anticipatory bail.

3. It is argued by the learned counsel for applicant-accused that the applicant-accused has not committed any offence as alleged and he has been falsely implicated in the present case. That the allegations levelled in the FIR are false and baseless. He has further contended that the custodial interrogation of the applicant-accused is not required in this case as nothing is to be recovered from him and the applicant-accused is ready to join the investigation.

4. On the other hand, the learned Public Prosecutor for the State has opposed the bail application on the ground that there are serious allegations against the applicant-accused as he stopped and attacked the government official who was discharging his lawful duty and as such the applicant is not entitled to be released on anticipatory bail.

5. I have heard the learned counsel for applicant-accused as well as learned Public Prosecutor for the State and perused the record carefully.

6. As per allegations, the servant of applicant was cutting a tree standing on road side and he was stopped from cutting the tree by Beldar Balraj. In order to inquire this fact when the complainant Komit Forest Guard went to the spot, where he was attacked by the applicant-accused with iron rod and he also slapped the complainant and threatened to kill him. Prima facie the applicant-accused assaulted the complainant and used criminal force to deter the public servant from discharging his lawful duties. This Court is in agreement with Public Prosecutor for the State who contended that if in such like allegations anticipatory bail is granted to the applicant, it will encourage such like element and also discourage of the officials in performing their lawful duties. The investigation is at crucial stage. The weapon of offence is yet to be recovered in this case, for which custodial interrogation of the applicant is required. The custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within her knowledge. Therefore, keeping in view the seriousness of allegations, gravity

of the offence and the manner in which offence has been committed , this court is of the view that applicant-accused is not entitled to any relief of anticipatory bail. As such the bail application filed by the applicant-accused stands dismissed.

7. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 10.01.2024.
kulvinder JW

(Puneet Mohan Sharma),
Additional Sessions Judge
Hoshiarpur/(UID No.PB0167).