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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1900/2014

PARAMJEET SINGH @ PUMMY ..... Petitioner  
Through Mr. Praveen Aggarwal, Advocate.

versus

STATE ..... Respondent  
Through Mr. O. P. Saxena, APP.  
SI Satish Lohia, Police Station Neb Sarai.

**CORAM:**  
**HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA**

% **SUDERSHAN KUMAR MISRA, J.(Oral)**

1. The present application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 has been moved by the petitioner in relation with FIR No. 449/2014 registered at Police Station Neb Sarai, under section 323/308/34 of the Indian Penal Code.

2. The petitioner- Paramjeet Singh is the son of the co-accused, Joginder Singh, who has already been enlarged on regular bail on 18.06.2014. On the other hand, the anticipatory bail application moved by the petitioner was dismissed on 24.06.2014. The petitioner has now moved this Court for the same relief.

3. The complainant in the present case is stated to be the petitioner's landlord. It is alleged by the complainant, that when he approached the petitioner with regard to the electricity bill that was raised in respect of the tenanted premises, he was assaulted by the petitioner and the petitioner's father – Joginder Singh, and as a result of this, he sustained various injuries, including, multiple lacerations on his head. The complainant further stated

that, the petitioner's father used a *danda*, whereas the petitioner used a *kripan*.

Furthermore, when the complainant and the complainant's father confronted the petitioner and his father, the complainant's father was also struck on his head with a *kripan*. It was with regard to these incidents that FIR 449/2014 came to be registered.

4. The counsel for the petitioner has, at the very outset, denied all these incidents, including, inter alia, that the complainant is the petitioner's landlord. He further stated that the entire case has been fabricated and that the FIR is nothing but a "bundle of lies". In addition, counsel for the petitioner has also sought bail for his client on the ground of parity since, according to him, the petitioner and his father have been assigned the same role; and therefore, since the petitioner's father has been granted bail, the petitioner should be granted anticipatory bail.

Be that as it may, I am not inclined to go into the explanations and allegations being raised by the petitioner at the bar today; more so, for the reason that any analysis of the same by me might tend to prejudice his trial.

5. Firstly, the petitioner cannot claim parity with the position of the co-accused, namely, Sh. Joginder Singh, i.e. his father, for the reason that the co-accused has been enlarged on regular bail after his arrest. Secondly, the weapons of offence are different. The co-accused i.e. the petitioner's father is stated to have used a *danda* whereas the petitioner is stated to have used a *kripan*.

6. In substance, counsel for the petitioner also seems to be taking the position that there is some inherent right available to citizens to abscond the moment they fear an accusation and arrest, and to remain away from the reach of the police till such time as they are able to persuade the courts,

through their counsel, to grant anticipatory bail. At least in my opinion, this is the effect of submissions made by counsel for the petitioner at the bar. And, when this proposition was put to the counsel, his response was, “does that mean that provisions of anticipatory bail must be thrown out from the statute book”.

To my mind, there is a huge gap between the two propositions; and the mere fact of provisions for anticipatory bail having been enacted by the legislature, cannot be interpreted as a license to all accused persons to hide or evade the police, till such time as their claim for protection from arrest is granted by the courts regardless of how long that takes.

7. Counsel for the State also produced the original medical records and some photographs which clearly show head injuries suffered during the assault and profuse bleeding as a result thereof. The gravity of the offence has also been duly noted by the court below.

8. Looking at the approach adopted by the counsel for the petitioner, I am convinced that the only purpose of this petition is to secure one aim, i.e., to avoid arrest by the police, at all costs. Whenever it is put to counsel as to why the petitioner should not have been available to the police to do their job as they think fit, including by arresting him, ever since the dismissal of his last anticipatory bail application on 24.06.2014, i.e., nearly 2 ½ months ago, counsel’s stock response is, “I will be available to the police provided I am given protection against arrest”.

This stand itself speaks volumes about the conduct and intent of the petitioner. It means, in effect, that so long the courts continue to decline his prayer, his position will remain unchanged, i.e., he will continue evade arrest. I do not think the law, as it stands, permits an accused to lay down

any such preconditions; or to adopt such tactics. To my mind, this petition is an abuse of process of this Court.

9. Under the circumstances, I do not consider it to be a fit case for grant of anticipatory bail. Therefore, the bail application is dismissed.

**SUDERSHAN KUMAR MISRA**  
**Judge**

**SEPTEMBER 03, 2014**  
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