

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-49711-2017
Date of decision:-2.4.2018

Shamshad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Inderjit Singh, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Shamshad, an accused in FIR No.79 dated 29.4.2017 for offences under Sections 307, 379, 427 and 473 IPC, registered with Police Station Bilaspur, District Yamuna Nagar.

Briefly stated, the facts of the case as per prosecution story are that on 27.4.2017 at about 1:00 a.m., a secret information was received by Range Forest Officer Chhachhrauli, District Yamuna Nagar that a truck would pass from village Jattanwala, as such, a raiding team comprising

officers/officials of Forest Department was constituted and a picket was laid at Bilaspur-Khizrabad road near village Chorahi; a truck was seen coming from village Ledi side, which was signalled to stop but driver of that truck rather tried to run over the same over the officials of Forest Department but they saved themselves with great difficulty and thereafter chased the truck having registration No.HR58-K-2271; efforts were made to contact the police but in vain; that when forest officials had reached on Bilaspur-Makhour-Pabni road then an Alto car 800 CC tried to overtake vehicle of the Forest Department carrying the raiding team; the persons sitting on the rear seat of the Alto car pelted stones upon the vehicle of Forest Department carrying the raiding team; the said vehicle was damaged; the occupants of Alto car were giving cover to the truck in which KHAIR wood was being smuggled; those occupants were identified as Julla and Daud sons of Asgar, Shamshad alias Samsu son of Fakiria and Aflatoon son of Hakuma, residents of Jattanwala, District Yamuna Nagar. Formal FIR was registered for the offences under Sections 307, 379 and 427 IPC regarding the incident. Offence under Section 473 IPC was added lateron.

Apprehending his arrest in this case, petitioner/accused Shamshad had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 20.9.2017. As such he has approached this Court asking for similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record and I find that there is absolutely no merit in the petition.

The petitioner is specifically named in the FIR and as per allegations, he along with his co-accused while travelling in the Alto car pelted stones at officials of the Forest Department carrying the raiding team, which wanted to intercept the truck in which the KHAIR wood was being smuggled, in that way, the petitioner tried to obstruct the officials of the Forest Department from discharging their official duties and to facilitate the smuggling of KHAIR wood. The petitioner is shown to be involved in several other criminal cases, details of which are as under:

1. FIR No.32/15, under Sections 363, 366A IPC, P.S. Budia.
2. FIR No.62/11, under Sections 379, 411 IPC, P.S. Chhachhrauli.
3. FIR No.105/15, under Sections 11 PCA Act, 8 CS Act, 307 IPC, P.S. Khizrabad.
4. FIR No.138/17, under Sections 379/411 IPC, P.S. Sadar.
5. FIR No.163/12, under Sections 379, 411, 473 IPC, P.S. Khizrabad.

It means that the petitioner has got criminal past. In case of **State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268**, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being

carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

2.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No