

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

CRM-M-6836-2018
Date of decision:-7.3.2018

Raj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.D.K. Jangra, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Raj Kumar, an accused in FIR No.0123 dated 16.8.2017, under Sections 21(4) of Mines and Minerals (Regulation of Development) Act 1957 and Sections 148, 149, 186, 188, 323, 332, 353, 379, 427, 506 IPC, registered with Police Station Raipur Rani, Panchkula.

Briefly stated, the prosecution story is that FIR in this case was lodged by Mining Officer, Mines and Geology Department, Panchkula by moving a written complaint addressed to SHO, Police Station Raipur Rani, Panchkula on 16.8.2017 mentioning therein that on that very date, an inspection report dated 15.8.2017 was submitted in that office by Mining Guards, namely Jaspal and Des Raj, in terms of which

when they had gone for inspection of river flowing in village Rampur in government vehicle Bolero at about 11:00 p.m. during night then it was found that gravels was being loaded in tractor trolleys with JCB Machine; that on seeing the Government Bolero vehicle, the drivers of other vehicles ran away with their vehicles, however, the driver of JCB machine was asked to take the same to Police Station Raipur Rani; that after some time 10-15 boys came there and started pelting stones on the Mining Guards and gave beatings to them and thereafter pulled them into flowing water in the river; that both Mining Guards escaped with great difficulty; that glasses of official Bolero vehicle was also broken by those hooligans; that the Mining Guards informed the Mining Inspector, who sent police party to that place, then both the Mining Guards were brought to Police Station Raipur Rani; that on the next day in the morning, they were got medically examined. Formal FIR was registered. The case was investigated, during the course of which the petitioner was nominated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Panchkula vide order dated 7.2.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I find that the allegations against the petitioner are very grave and serious of assaulting the public servants on duty, causing

damage to the Government vehicle besides stealing minerals. The fact that petitioner is not named in the FIR is of no help to him since his name had cropped up in the disclosure statement suffered by a co-accused.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to know as to under what circumstances gravels/minerals were being removed unauthorizedly and how and in which manner the incident had taken place in which the Mining Guards assaulted and Government vehicle damaged. 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. Pre arrest bail is a discretionary relief, which is to be granted to save innocent persons from harassment and not to help the criminals.

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

7.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No