

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

CRM-M-1679-2020

Date of decision:-12.2.2020

Jyoti

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.J.S. Thind, Advocate  
for the petitioner.

Mr.Kuldeep Sharma, DAG, Haryana.

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**H.S. MADAAN, J.**

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jyoti, an accused in FIR No.535 dated 14.12.2019, under Sections 186, 332, 342, 353, 506 and 34 IPC, registered with Police Station Azad Nagar, Hisar.

Briefly stated, the facts of the case as per the prosecution version are that on 14.12.2019 at about 6:30 p.m., SPO Bhopal Singh, posted at Police Station Azad Nagar, Hisar deputed for service of summons/warrants in the area within the jurisdiction of said police station had gone to the house of Vikas at Arya Nagar for service of summons in CRM No.30054 of 2017 in CRM-A-2095-MA-2017 titled 'State Versus Vikas' and when he had reached there and knocked at the door of house of Vikas, then accused Jyoti wife of Vikas came out of the gate; when she

was informed by the executing official that Court notice was to be served upon her husband, in the meanwhile, Vikas came out of the house; the executing official asked him to receive the notice, hearing that Vikas and his wife Jyoti starting hurling abuses upon him and assaulted him; they even locked him in a room; subsequently realizing that notice had been issued by the High Court, both of them got frightened and Vikas took copy of notice, affixing his signatures, however, he threatened SPO Bhopal Singh that in case he brought such like notice to his house again, then they would kill him; SPO Bhopal Singh had suffered several injuries on his person and he was in severe pain, therefore, he had gone to Government Hospital, Hisar and got him medically examined; thereafter he submitted a written complaint at Police Station Azad Nagar, Hisar, where formal FIR was registered.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge, Hisar vide order dated 6.1.2020. 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.

Learned counsel for the petitioner has termed the contents of the FIR as wrong stating that the complainant in drunken condition had gone to the house of the petitioner and tried to outrage her modesty and

even demanded bribe and passed caustic remarks; thereafter lodged false FIR against the petitioner and her husband. He further submits that the petitioner has got minor children to look after and is ready to join the investigation, therefore, pre arrest bail be granted to her.

Whereas the request is being opposed vehemently by the State counsel.

After hearing the rival contentions, I find that the allegations against the petitioner are very grave and serious of assaulting a public servant on duty, who had gone to the house of the accused to effect service of notice issued by the High Court upon her husband. The petitioner along with her husband are alleged to have assaulted him, causing him injuries and then illegally confining him giving threats.

Such type of conduct cannot be taken lightly since if culprits indulging in assaulting public servants on duty are dealt with leniency, then the public servants would get demoralized and disheartened, in the process affecting their efficiency and devotion to the duty sending a wrong signal in the society that one can use force against the public servants and get away very easily.

The allegations levelled against the complainant do not seem to have any force and it appears that those are being put forward to create a probable defence and make a counter case. If the complainant was under influence of liquor, then the same would have been detected when he was medically examined at Government Hospital but nothing of that sort has been brought to my attention. The allegations of the complainant trying to molest the petitioner also appear to be concocted.

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.

12.2.2020  
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**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**