

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

CRM-M-4254-2020

Date of decision:-12.2.2020

Baljeet Kaur

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Yowan Sharma, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Baljeet Kaur, an accused in FIR No.423 dated 20.12.2019, under Sections 186, 342, 353 and 506 IPC, registered with Police Station Chandimandir, District Panchkula.

Briefly stated, the facts of the case as per the prosecution version are that on 8.12.2019 at about 3:30 p.m., the complainant Bharat Bhushan had gone to Chandimandir Saw Mill for official work; the wife of Harjinder Singh, namely, Baljeet Kaur (present petitioner) entered the saw mill with her sons and her friends and started threatening the complainant stating that if he came there again, then she would implicate him in a criminal case and would ensure that he was sent to jail and fired from his job; they held the complainant in illegal confinement upto 5:00

p.m., threatened him and obstructed the official work. The matter was reported to the police and formal FIR was registered.

Apprehending their arrest in this case, the petitioner and her husband had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, Panchkula 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.

I find that the allegations against the petitioner are very grave and serious of obstructing a public servant in performing his duties, illegally confining him and holding out of 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.

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
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No