

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

CRM-M-26819-2020

Date of decision:-9.9.2020

Juhardin

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Rosi, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Juhardin aged about 32 years, an accused in FIR No.183 dated 27.5.2020 for the offences under Sections 186, 188, 279, 307, 332, 336, 353 IPC (later on offence under Section 325 IPC was added), registered with Police Station Hodal, District Palwal.

In nutshell, the prosecution story is that on 26/27.5.2020, a police party from Police Station Hodal, District Palwal travelling in official vehicle was doing patrolling, during the course of which an

information was received that one dumper had broken the Karman Naka and sped away. Accordingly, the police party reached at Babri Turn. A Dumper was spotted coming while being driven at very high speed. The complainant EASI Aasharam signalled that vehicle to stop but the dumper driver instead of doing so tried to run over the police party, as a result the driver of the police vehicle namely EHC Amjad received injuries on hand and foot, though he managed to save himself by jumping out of the vehicle. In the meanwhile, police reinforcement reached at the spot and barricading was made. Seeing that the dumper driver ran away from the spot leaving the vehicle behind. On being checked, the registration number of dumber was found to be HR55-AH-0142, which was loaded with sand. After registration of the FIR, the matter was investigated. Accused was nominated as driver of the dumper, which had broken the barricade and tried to overrun the police vehicle resulting in EHC Amjad Khan driver of the police vehicle receiving injuries.

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 Sessions Judge, Palwal vide order dated 2.9.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Tanuj Sharma, AAG, Haryana has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent – State.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very grave and serious of attempt to kill the police officials on duty by speeding away his dumper which was loaded with sand and one police official had suffered injuries in the process. Such acts of the petitioner cannot be taken lightly and he deserves to be dealt with all the strictness. In case, the petitioner is shown any leniency and granted pre-arrest bail that may embolden the other potential criminals to take law into their own hands and indulge in criminal activities including assaulting and attacking the police officials on duty, resulting in causing loss of morale amongst the police personnel.

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 to unfold the complete story. 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.

9.9.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No