

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

CRM-M-35483-2020

Date of decision:-3.11.2020

Suresh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Anoop Kumar Yadav, 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 – Suresh, aged 26 years, resident of village Gehli, Tehsil Narnaul, District Mohindergarh, an accused in FIR No.346 dated 25.6.2020 for the offences under Sections 186, 188, 307, 332, 353, 379, 379-B, 506 IPC and Section 21 of Mines and Minerals Development Act, registered with Police Station City, Narnaul, District Mohindergarh.

Briefly stated, the prosecution story is that on 25.6.2020 at about 6:00 a.m., a tractor trolley was intercepted while being transporting gravel therein without any bill. Since it was an offence under Mines and Minerals Development Act, the tractor trolley driver was asked to take the tractor trolley to Police Station Narnaul. While the tractor trolley driven

by petitioner/accused was being taken to Police Station Narnaul, a motorcycle with two riders came there and on their provocation, tractor trolley driver tried to run over ASI Umed Singh but he escaped with injuries. Other members of the raiding party were also threatened and obstructed from doing their duty. Formal FIR was registered. The matter was investigated.

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, Narnaul vide order dated 11.9.2020. 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 appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petition.

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

The allegations against the petitioner are very grave and serious of not only stealing the gravel but tried to run over a police officer on duty. ASI Ramesh Singh is said to have sustained injuries in the incident. Such type of acts deserve to be viewed with all seriousness and dealt with firmly and sternly so that the potential criminals are deterred from taking up path of crime.

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.

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.

3.11.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No