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

CRM-M-24269-2021 (O&M)

Date of Decision: 29.06.2021

Shish Ram

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.R. Yadav, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.227 dated 07.06.2021 under Section 51 (b) Disaster Management Act, 2005 and Sections 147, 149, 186, 188, 294, 353, 506 IPC registered at Police Station City Rewari, District Rewari. He apprehended his arrest at the hands of Police in the above said FIR.

The above FIR was registered on the complaint given by Executive Officer, Municipal Council, Rewari, which reads as under:-

“In this matter, it is mentioned that today on 07.06.2021 after attending the meeting organized by the Deputy Commissioner, Rewari when I reached at my office at about 12:30 p.m. then Shri Shish Ram Contractor carried along his workers (Males and Females) in large number in the office of Municipal Council, Rewari and he alongwith one person started beating and manhandling with me under a well planned conspiracy and threatened me with dire consequences. Here it is also written that I am a heart patient and my heart has been operated upon. I apprehended danger from the incident caused by the above person because the above person can cause an attack upon me himself or through his workers. In such a situation it is difficult to work for an officer. From this it is clear that by making as personal attack he wanted to kill me. The above mentioned person himself and through his workers has tried to malign my image. Thereafter he and his workers entered the rooms and started unparliamentary abuses and beatings with officers and employees. At that time the Director

was convening a meeting through video conferencing and the Executive Engineer and officers were taking part in the same. Due to this act there was obstruction in the meeting and from this it is clear that he has caused obstruction in Government work. Shri Shish Ram and his workers manhandled with Shri Hemant Yadav, Executive Engineer and Shri Sunil Kumar, Junior Engineer, Shri Harikesh Kumar, clerk and by causing obstruction in government work have tried to stop the work. Therefore, you are requested to register a case against the above mentioned contractor and his workers for threat to life, causing obstruction in government work and misbehaving with government employee and levelling false allegations of corruption and maligning the image, be registered under the Indian Penal Code and action be taken. Executive Officer, Municipal Council, Rewari.”

Learned counsel for the petitioner has argued that the complainant has falsely implicated the petitioner in the above mentioned case. According to him, the petitioner being a contractor, executed the works satisfactorily within the specified time frame and despite that the bills submitted by the petitioner were not cleared. He has argued that the workers, who carried the labour work were starving because of non-payment of remuneration and the petitioner being contractor has been falsely indicted in the above FIR. He has drawn the attention of the Court to the Disability Certificate dated 28.07.2004 (Annexure P-19) as well as photographs (Annexure P-20) to contend that the petitioner is disabled man to the extent of 70%. He further submits that the complaint (Annexure P-4) was given by the petitioner on 07.06.2021 against the Executive Officer Manoj Kumar, who allegedly misbehaved with him. According to him, the petitioner is ready to join the investigation, therefore, his custodial interrogation may not be necessary considering the nature of the offences.

On the other hand, the prayer is opposed by learned State counsel, who is assisted by ASI Giriraj. According to Mr. Parmar, learned State counsel, the petitioner was very much present on the spot when he along with others forcibly entered into the office of the complainant and

gave beatings to him and other officials. It is pointed out that not only the whole working of the office was disrupted, but at the same time, the assailants exposed the complainant and others to the risk of catching the deadly infection of COVID-19. Learned State counsel has argued that the entire incident took place as a result of pre-planned conspiracy hatched by the petitioner and other assailants and the said incident was captured on CCTV as well. He submits that the custodial interrogation of the petitioner is necessary.

After hearing the learned counsel for the parties, this Court finds that the alleged occurrence took place on 07.06.2021 and the said incident was captured in the CCTV footage, wherein as per the prosecution, the presence of the petitioner is noticed. The petitioner has appended the photographs of the video clips as Annexure P-24 in support of his claim to show that the police was also present at the spot and the petitioner was lying on the ground. The argument of the learned counsel for the petitioner that the petitioner is handicapped, therefore, his custodial interrogation may not be necessary is without any force considering the nature and seriousness of the offences. Admittedly, the petitioner was present at the spot.

Resultantly, without meaning any expression of opinion on the merits of this case, this Court is of the opinion that it is not a fit case for grant of extra ordinary concession of pre arrest bail to the petitioner, as his custodial interrogation may be necessary.

Dismissed.

(MANOJ BAJAJ)
JUDGE

29.06.2021
Jasmine Kaur

<i>Whether speaking/reasoned</i>	<i>Yes</i>	<i>No</i>
<i>Whether reportable</i>	<i>Yes</i>	<i>No</i>