

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

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CRM-M-33407-2021.

Date of Decision: 01.11.2021.

Krishan

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Barjinder Singh, Advocate for petitioner.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioner-**Krishan** in case FIR No.97 dated 30.07.2021 under Sections 186, 341, 353, 427 and 506 IPC read with Section 34 IPC, registered at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that as per FIR version, allegedly petitioner alongwith co-accused namely Sabar and Iqbal Singh caused obstruction in the arrest of co-accused Sabar in case FIR No.96 dated 30.07.2021 under Sections 61 and 78 of Punjab Excise Act, registered

the persons of police party and apart from that caused damage to their vehicle. He further urges that no specific role has been attributed to the petitioner in the commission of alleged offence. He further submits that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that on 30.07.2021 when Assistant Sub Inspector Karamjit Singh alongwith Assistant Sub Inspector Surjit Singh, Head Constable Jagdeep Singh and PHG Gurmit Singh was present at Bhalwan Bus Stand, Dhuri, on a private vehicle bearing registration No.PB-11BU-1285, they received information that co-accused Sabar, who was wanted in case FIR No.96 dated 30.07.2021 under Sections 61 and 78 of Punjab Excise Act, Police Station City, Dhuri, alongwith his brother Krishan (present petitioner) and father Iqbal Singh, was present near liquor vend of Dhobi Ghat, Dhuri. He further urges that on receiving above said information, police party reached the disclosed place and when Head Constable Jagdeep Singh tried to nab accused Sabar, then he (Sabar) and Iqbal Singh and present petitioner dissuaded police officials and further co-accused Sabar caught hold Head Constable Jagdeep Singh from his uniform, removed the shoulder buttons and after pushing him aside, fled away from the spot. He further urges that petitioner and co-accused Iqbal Singh pelted brickbats on police party as well as their vehicle bearing registration No.PB-11BU-1285 due to which window glass of said vehicle was broken and

habitual offender as apart from instant FIR, eight (08) more case FIRs, as detailed in Para No.6 of status report dated 07.09.2021 furnished at the instance of respondent-State, have been registered against him. He further urges that in view of nature of offence committed by the petitioner, his custodial interrogation is required to unveil the truth and as such he is not entitled to the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused namely Sabar and Iqbal Singh obstructed police officials from discharging their duties as such public servants, pelted brickbats on the persons of police party as well as their vehicle and further caused damage to their vehicle. As pointed out by learned State counsel, petitioner is habitual offender involved in as many as nine (09) cases including instant FIR. Pre-arrest bail is not to be granted as a matter of routine/course in all cases. The grant or refusal of such bail depends on the variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The power under Section 438 Cr.P.C. is to be exercised sparingly and in exceptional cases keeping into focus the facts and circumstances of each case. At the same time, it is well-settled that the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest and investigation by the police. The Court has also to see that the investigation is in the province of the police and an order of anticipatory bail should not operate as an in-road into the statutory investigational

anticipatory bail. The Court should not be unmindful of the difficulties likely to be faced by the Investigating Agency and the public interest likely to be affected thereby in this relevant connection. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement to pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

01.11.2021

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No