

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(211)**

**CRM-M-5709-2022
Date of decision:- 24.03.2022**

Mohd. Ikram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Afzal Hussain, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana for State-respondent No.1.

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SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "the Code") for issuance of appropriate direction to the Investigating Officer to admit the petitioner on bail in the event of his arrest as the petitioner has a reasonable apprehension that he would be arrested in criminal case bearing FIR No.190 dated 06.08.2021 registered for offences under Sections 147, 149, 332, 353, 341 and 354 of the Indian Penal Code, 1860 at Police Station City Nuh, District Nuh (Mewat), Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of a lady constable on the allegation that on 06.08.2021 when she was coming back from Ferozpur Jhirka along with three colleagues in a private car, she stopped at *khedla* turn when she, spotted five unknown boys consuming liquor while standing near a vehicle bearing No.HR-27F-9110. On noticing the police officials, the accused

dared them to take any action and hurled abuses. When the lady officials protested, one of the boys hit her on her chest and pushed her while using objectionable words. The lady officials managed to apprehend two boys and called the police helpline numbers. After about ten minutes, police officials came from Women Police Station on a vehicle with a driver. When the apprehended boys were being shifted to the government vehicle, they pushed the lady officials, caused injuries to them and managed to flee while threatening them.

Counsel for the petitioner has contended that the petitioner is innocent and the investigating agency does not possess any incriminating material against the petitioner. He submits that merely because the petitioner is owner of the vehicle, does not suffice to arrest him.

Per contra, learned State counsel by placing reliance upon the status report filed by way of affidavit of Deputy Superintendent of Police, Crime against Women, Nuh has opposed the prayer and has referred to the documents placed on the record.

I have heard counsel for the parties and considered their respective submissions.

A perusal of the status report shows that the vehicle, which is mentioned in the FIR as well as in the statement of the complainant, Annexure R-1, recorded under Section 164 of the Code, is registered in the name of the petitioner. Not only this, the State has also placed on record the call details, obtained from the service provider, to submit that the location of the mobile number belonging to the petitioner shows that he was present at the place of the incident at the time of occurrence. It has further come on the

record, that all the five accused are on the run and despite lapse of more than seven months of the registration of the FIR, none of them could be identified or arrested. The petitioner is the only available link and in case he is given protection by this Court, the possibility of his cooperating with the investigating agency would be very bleak. This Court is of the view that the custodial interrogation of the petitioner is necessary not only to extract the truth, but also to find out his role as well as the identity of the co-accused.

The allegations levelled against the accused are of a serious nature. The accused obstructed lady police officials in the discharge of their duty and have allegedly outraged their modesty. A person, who consumes liquor in a public place, creates nuisance has no fear or respect of law enforcing agency, does not deserve any sympathy from this Court.

The petition, which is bereft of any merit, is ordered to be dismissed.

Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

24.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No