

CRM-M-52096-2019

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

CRM-M-52096-2019

Date of decision: 10.11.2022

Ramesh and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioners.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for quashing of DDE No.11 dated 02.10.2019, under Sections 107/151 Cr.P.C., registered at Police Station Indri, District Karnal, and all the subsequent proceedings arising therefrom, including the show cause notice issued against the petitioners.

Copy of reply dated 02.07.2020 by way of affidavit of the Deputy Superintendent of Police, Indri, Karnal, filed in the Registry, is taken on record.

It is the case of the petitioners that they are peace loving citizens and they had never caused interference in the process of General Elections held in 2019; that petitioners No.3 and 4, aged about 70-year, are retired govt. employees and that the petitioners have been falsely implicated in the present case.

I have heard the learned State counsel.

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It is the case of the prosecution that the police received a secret information that during General Elections to be held in 2019, the petitioners might disturb law and order situation and breach peace.

It would be profitable to reproduce Sections 107 and 151 Cr.P.C. herein:

“107. Security for keeping the peace in other cases.

(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.

151. Arrest to prevent the commission of cognizable offences.

(1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

(2) No person arrested under sub- section (1) shall be detained in custody for a period exceeding twenty- four

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hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force.

Section 107 Cr.P.C. is preventive and not punitive. The sole idea of starting proceedings under this Section against an individual is to prevent him from commission of breach of peace which is imminent. In the present case, the proceedings were initiated against the petitioners on the ground that the police had an apprehension that the petitioners might breach peace during General Elections, which were held in 2019.

In view of the above, no further orders are called for.

Disposed of.

10.11.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No