

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

CRM-M No.13469 of 2023

Date of Decision: 19.10.2023

Harpreet Singh @ Preet Dhawan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Satish Sabharwal, Advocate,
for the petitioner.

Mr. Virat Rana, AAG, Punjab,
for the respondent-State.

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MEENAKSHI I. MEHTA, J.(ORAL)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.0141 dated 29.08.2020 as registered at Police Station City Jalalabad, District Fazilka, under Sections 354, 353, 188 IPC and Section 51(b) of the Disaster Management Act, 2005, the petitioner has preferred the instant petition to seek the relief of anticipatory/pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled by complainant-Lady Constable Kamlesh against the petitioner in the present case, are that he (petitioner), along-with one more person and a child, was going on the motor-cycle, without wearing the mask, despite the issuance of instructions by the State Government in this regard. On being signalled by her, they stopped the motor-cycle and when she told them that she was

to take action against them for violation of the said instructions, the motor-cyclist, who seemed to be under intoxication, caught hold of her hand and started misbehaving with her and then, they called several persons at the spot and they staged a '*dharna*' and thus, blocked the flow of traffic there and proclaimed that none could take any action against them.

3. Learned State counsel has submitted the Reply on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Sub-Division, Jalalabad, District Fazilka) in the Court today and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that no specific role in the alleged crime, has been attributed to the petitioner in the subject FIR and rather, he has been got falsely implicated in the criminal case under reference and moreover, the Investigating Agency has no occasion to seek his custodial interrogation after the lapse of almost three years from the date of the alleged commission of the crime and in these circumstances, he (petitioner) deserves the relief, as prayed for in the present petition.

6. Per-contra, learned State counsel argues that the petitioner has been categorically named as an accused in the above-said FIR and since the registration of the case, repeated endeavours have been made to nab him but he has been evading his arrest and in view the nature of the offence committed by him, this bail petition be dismissed.

7. As regards the contention qua no specific role having been attributed to the petitioner in the FIR, it is worth-while to mention here that the complainant has levelled categoric allegations in the FIR to the effect that while she was present near the barricades put up at Shaheed Uttam Singh Chowk, in connection with her official duty, the petitioner, along-with 40-50 persons, had threatened her that they would not lift '*dharna*'.

8. So far as the contention regarding there being no occasion for the police to seek the custodial interrogation of the petitioner after about three years from the date of the alleged occurrence is concerned, it is again pertinent to mention here that a bare perusal of Para No.5 in the Status-Report reveals that since 14.09.2020, the raids have been conducted at the residence of the petitioner numerous times, as detailed therein, so as to nab/arrest him.

9. Lastly, as regards the contention qua the false implication of the petitioner in the case, it can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage, after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with the instant bail petition and rather, at the moment, the facts remain that the petitioner is alleged to have obstructed and threatened the complainant-Lady Constable and also to have misbehaved with her, while she was discharging her official duty and there is nothing on the record at this stage, to show that the complainant had been nurturing any grudge against the petitioner and had, therefore, got him falsely involved in the case.

10. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory/pre-arrest bail. Resultantly, the petition in hand, being *sans* any merit, stands dismissed.

19.10.2023
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>