

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9299-2024
DECIDED ON: 21.02.2024

GURJEET SINGH BRAR AND ANR
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Grewal, Advocate and
Mr. Kapil Mohan Singh, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioners in FIR No.0021, dated 01.02.2024, under Sections 353, 186, 506 of IPC, 1860, registered at Police Station Shri Muktsar Sahib, District Shri Muktsar Sahib (Annexure P-1).

2. The contents of FIR reads as under:-

“To, The Sho PS city Shri Muktsar Sahib letter no 11381 dated 15.12.2023 sub:- Regarding using abusive language by Sh. Bhupinder Singh and Gurjeet Singh mobile no. 94648-14408 by entering the office in a drunken condition. With regard to the above mentioned subject it is written to you at about 3:05 PM while the undersign was busy in a meeting with the official stsff (Sh. Bikram Singh Block Superintendent Accounts and Sh Sanjiv Kumar Clerk and Sh Gurdeep Singh Assistant Clerk) in the office of the undersign the above mentioned persons in a drunken condition disrupted the official work by entering the office by force and in this regard used abusive language against the undersign and also threatened of having political approach and said that we used to get the work done in this way. They

started arguing to transfer Bhag Mal lineman from Rupana Sub Division to Sub urban Sub division Shri Muktsar Sahib who has been to Sub division Rupana on administrative grounds and started asking that why have you transferred Bhag Mal lineman to Sub Division Rupana. On the asking of their names by the undersign they said that we are the thieves how you are concerned with the names just do what we are saying. Therefor action may be taken against the above mentioned persons for interfering in the official work as per law. Sd/- Addl. Executive Engineer Mandal PSPCL Shri Muktsar Sahib SD/- Balwinder kaur Mandal Superintendent ID NO 267208."

3. Learned counsel for the petitioners contends that the only allegation coming forth qua the petitioners is that they entered in the office of the complainant in a drunken condition and disrupted the meeting and abused him, while arguing with him regarding the transfer of a lineman to whom the petitioners even did not know. It is on the strength of this argument, he asserts that Section 353 of IPC is not made out against the petitioners and, therefore, seeks concession of anticipatory bail.

4. He has also relied upon a judgment of Hon'ble Supreme Court passed in "***Rilgin V. George and Another vs. State of Kerala and Another, (2023) 4 KHC 223***" and ***Pawan Kumar vs. State of Punjab (2020) 1 SCC 287*** to submit that mere intention to deter a public servant from discharging his official duty is not sufficient to attract the offence under Section 353 of IPC and there must be an actual assault or use of criminal force.

5. Notice of motion.

6. On the asking of Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of respondent-State, who read out the provisions of Section 353 of IPC and argued that the contents as narrated in the FIR in itself are sufficient enough to show that the petitioners have entered into the premises, where a meeting was

taking place and obstructed the complainant from performing their duty as a public servant and that would tantamount to a criminal assault by using force, who has barged into the place, where the officials were conducting a meeting and the same has been interrupted in between due to behaviour of the petitioners.

7. This Court cannot shut its eyes to the circumstance in which the petitioners have entered into the premises in a drunken condition, as has been narrated in the FIR, though medical examination could not be conducted because they are evading arrest since 01.02.2024, the time on which the instant FIR was got registered. In a civilised society, where law and order has to be prevailed with an utmost caution, no individual can be allowed to take law in his hand with his own whims and fancies. If the petitioners have any grievance, the other remedial measures and mechanism are available in law. In today's scenario, if such persons like the petitioners are let off at the stage of investigation itself, it will only give encouragement and a handle for others also. Therefore, the instant petition needs to be dealt with stern hands, hence having no merits therein stands dismissed with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

21.02.2024

Meenu

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