

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Misc.No.M-19022 of 2015(O&M)
Date of Decision : 28.07.2015

ASI Daler Singh

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Amit Dhawan, Advocate for the petitioner
Mr. P.J.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

The petitioner prays for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no. 33 dated 13.5.2015 registered under Sections 420, 406, 182, 177, 211, 201, 120-B IPC at Police Station Lambra, Jalandhar.

It is contended by the learned counsel for the petitioner that petitioner in his official capacity, made an enquiry into the complaint which was given by Sukhwinder Singh and eventually, the FIR no. 115 dated 30.12.2013 was registered at Police Station Lambra (Annexure P1). The said investigation was approved by the SHO and the DSP. However, on account of a complaint filed by one Karnail Singh, father of one of the accused namely, Ranbir Singh, an independent enquiry was conducted on the basis of which, the present FIR has been lodged against the petitioner. It is submitted that the petitioner has already been suspended on 7.5.2015 (Annexure P-2) and in case there was some truth in the complaint, the first FIR could have been cancelled and proceedings could have been initiated against the said Sukhwinder Singh for submitting a false complaint. It is submitted that it has been done at the instance of the other well connected complainant. Reference has also been made to various certificates issued in favour of the petitioner by the Police Department including the one dated 20.1.2014 (Annexure P8) wherein the petitioner was granted the local rank of Sub Inspector on account of suffering bullets/explosive injuries in anti-terrorist operations, to

demonstrate his good service record.

Noticing the aforesaid facts, this Court granted interim protection to the petitioner on 10.6.2015, subject to compliance of provisions of Section 438(2) Cr.P.C.

Pursuant to the aforesaid, petitioner has joined the investigation to the satisfaction of the Investigating Officer which fact is not controverted by the learned State counsel on instructions from ASI Amarjit Singh.

Without commenting upon the merits of the case but noticing the fact that the petitioner has joined the investigation to the satisfaction of the Investigating Officer, instant petition is accepted. Interim directions dated 10.6.2015 are hereby made absolute, however subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

July 28, 2015
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(Mahesh Grover)
Judge