

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

**Crl. Misc. No.M-21130-2015 (O&M)
Date of Decision: July 8 , 2015.**

SULAKHAN SINGH

.....PETITIONER(s).

VERSUS

STATE OF PUNJAB

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Amandeep Singh Jattana, Advocate
for the petitioner (s).

Mr.Amrit Pal Singh Gill, AAG, Punjab.
for respondent.

SURINDER GUPTA, J.(Oral)

Heard.

Notice of motion.

On asking of the court, Mr.Amrit Pal Singh Gill, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The complainant Buta Singh Son of Bhagat Singh intimated the police of Police Station Sarhali, Tarn Taran that on 01.10.2012 at about 10.00/11.00 P.M., the persons namely Gurmej Singh son of Nand Singh, Subegh Singh son of Bhadur Singh, Jagdev Singh son of Subegh Singh, Rajbir Singh son of Amrik Singh, Babdeep Singh son of Sukhwant Singh and Gursahib Singh son of Baldev Singh came to his house and caused him injuries. The medical examination of complainant was conducted on 06.11.2012 in which 13 injuries were found on his person.

The police only recorded a DDR No. 10 on 11.11.2012 and thereafter started inquiring the matter and ultimately recorded FIR No.5 on 10.01.2013.

In the meanwhile, the complainant feeling aggrieved by the conduct of the police, filed a complaint before the Ilaqa Magistrate on 14.12.2012 (Annexure P-2) giving the details of occurrence and the manner in which it took place. He also levelled allegations that due to the influence and political links of accused, police was not taking any action.

Learned counsel for the petitioner submits that Sulakhan Singh, who was neither named in the FIR nor attributed any role in the occurrence, was arrested by the police by making out a case that he had illicit relations with wife of the complainant. In this regard, the statement of one Gurmej Singh, named as accused by complainant, allegedly by recorded on 05.11.2014, was relied. Learned counsel for the petitioner submits that the statement of Amarjit Singh was also recorded by police before registration of the FIR. The police, in order to save the real culprits, who have links with the ruling party, has implicated the petitioner.

Learned State counsel submits that the matter is being investigated by the police for last two years. In his statement recorded in January 2013, Amarjit Singh deposed about the extra judicial confession made by the petitioner. His statement was again recorded on 05.11.2014. It was on this basis, the petitioner was arrested for causing injuries to the complainant.

As per the police version, petitioner is living in the neighborhood of the complainant, as such, there could not be any dispute

about his identity. The complainant had not named the petitioner either in the FIR or in the complaint filed in Court, rather he was asserting his version against the accused persons named in the FIR. It is a matter of concern that after the occurrence on 01.10.2012, the matter is still under investigation without much headway. The petitioner has been arrested in this case on 06.06.2015 and is in judicial custody.

Without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Sulakhan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh before the trial Court.
- c. He shall not leave the country without the previous permission of the Court.

Keeping in view the facts of the case, the delay in investigation and non presentation of challan, Director General of Police, Punjab is directed to entrust the investigation of this case to a Senior Officer not below the rank of Superintendent of Police.

Copy of this order be conveyed to the Director General of Police, Punjab for compliance.

July 8, 2015.
TSG

(SURINDER GUPTA)
JUDGE