

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-346 of 2015

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Date of decision:13.2.2015

Harpal Singh

.....Petitioner

v.

Manjit Kaur

.....Respondent

....

(2) Criminal Misc. No.M-2922 of 2015

.....

Jagdev Singh

.....Petitioner

v.

Manjit Kaur

.....Respondent

....

Present: Mr. Amandeep Singh Cheema, Advocate for the petitioners.

Mr. Navdeep Monga, Advocate for the respondent.

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Inderjit Singh, J.

This order will dispose of above mentioned two petitions filed under Section 438 Cr.PC., as these arise out of the same criminal complaint, for grant of anticipatory bail in criminal complaint No.7 dated 14.10.2010, titled “Manjit Kaur Versus Mithu Singh and others”, pending in the Court of Chief Judicial Magistrate, Mansa, District Mansa, whereby the petitioners have been summoned for the offences under Sections 323, 324, 452, 354, 148 and 149 IPC and under Section 3 of the Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act.

Notice of motion has been issued in this case.

Mr. Navdeep Monga, learned Advocate has appeared on behalf of the complainant-respondent and contested these petitions.

I have heard learned counsel for the petitioners and learned counsel for the complainant-respondent and have gone through the record.

Both the petitioners are Police officials. Harpal Singh-petitioner was SHO, Police Station City-I, Mansa and Jagdev Singh was posted as ASI, Police Station City-I, Mansa at the time of occurrence. As per the record, an application was given by Mithu Singh and it was marked for inquiry. Similarly, another application was given by Jindal Kaur wife of Mithu Singh before the SP(D) and that was marked by name to SI Harpal Singh. Harpal Singh inspected the spot and then Jaswant Singh with the intention to encroach the plot was constructing the walls. On seeing the Police party, labourers ran away. Due to this enmity, the complainant had moved the application because Police party stopped her from making encroachment on the plot. This letter is Annexure-P.3, in which it has been written by the Senior Superintendent of Police, Mansa to Deputy Inspector General of Police, Bathinda Range, Bathinda.

Keeping in view the facts and circumstances of the present case and specially the report sent by the Senior Superintendent of Police, Mansa to Deputy Inspector General of Police, Bathinda Range, it is debatable whether the complaint filed by complaint Manjit Kaur is correct or not.

Both the petitioners had gone on the spot in compliance with their official

duties.

Keeping in view the facts and circumstances of the present cases; I find that it is a complaint case and the petitioners are not required for the purpose of interrogation. They are only to face the trial. Therefore, without discussing the facts in minute detail and without expressing any opinion on the merits of the cases, I find merit in these petitions and the same are allowed. The interim orders dated 9.1.2015 and 30.1.2015 passed by this Court granting interim relief to the petitioners are made absolute.

February 13, 2015.

(Inderjit Singh)
Judge

hsp