

CRM-M-38137-2015 (O&M) and 1
CRM-M-38776-2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: December 18, 2015

1. CRM-M-38137-2015 (O&M)

Tarsem Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

2. CRM-M-38776-2015 (O&M)

Rajeshwar Singh Sidhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. T.S. Sangha, Senior Advocate, with
Mr. J.S. Lalli, Advocate, for the petitioner.
(in CRM-M-38776-2015).

Mr. Gautam Dutt, Advocate,
for petitioner No. 1; and

Mr. Keshav Pratap Singh, Advocate,
for petitioner Nos. 2 to 8.
(in CRM-M-38137-2015)

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Ms. Ishma Randhawa, Advocate,
for respondent No. 2.

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1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

This order shall dispose of above captioned two petitions, filed under Section 438, Cr.P.C., for grant of anticipatory bail to the petitioner(s), since both of them have arisen out of Criminal Complaint No. 12078, dated 25/1-11-2014, titled as “Karnail Singh v. Rajeshwar Singh”, for the offences punishable under Sections 120-B, 325, 331, 342 and 364, IPC, and Sections 13(1)(a) and 13(2) of the Prevention of Corruption Act, 1988, pending adjudication before learned Additional Sessions Judge, Amritsar.

Mr. T.S. Sangha, learned senior counsel representing Rajeshwar Singh Sidhu; Mr. Gautam Dutt, learned counsel representing Tarsem Singh; and Mr. Keshav Pratap Singh, learned counsel representing rest of the petitioners, namely, Sawinder Singh, Baldev Singh, Malkiat Singh, Sarup Singh, Gurpreet Singh, Rashpal Singh and Baljit Singh, submit that no FIR in the present case was lodged with the police; after more than three months of the occurrence, the complaint was filed while the complainant/respondent No. 2 was in custody in a case

under Section 302, IPC; custody of the petitioner(s) would not be of any consequence since they have been summoned in a complaint case and they are ready to face trial.

Mr. T.S. Sangha further submits that Rajeshwar Singh Sidhu (petitioner in CRM-M-38776-2015) is an officer belonging to the Punjab Police Service (PPS) and posted as the Superintendent of Police. He has already appeared before learned Court below and furnished the bail bonds in lieu of grant of ad-interim bail.

Learned counsel for remaining petitioner(s) have also submitted that all the petitioners are police officials and unlikely to run away from the trial.

Learned counsel for the State on instructions from SI Harjeet Singh, has fairly conceded that no police report was lodged with regard to the present occurrence. He further submits that the police does not require the custody of the petitioner(s).

Ms. Ishma Randhawa, representing respondent No. 2/ complainant though initially opposed the grant of bail to the petitioner(s) in view of the fact that the petitioner(s) not only

misbehaved with the Warrant Officer appointed by this Court and they also meted Karnail Singh (respondent No. 2) with torture and caused severe injuries. However, after deliberations she could not make out a case as to why the custody of the petitioner(s) was necessitated.

After hearing learned counsel for the parties at length and perusing the material available on record, this Court is of the considered opinion that all the petitioners have been summoned in a complaint case and all of them are police officials and ready to face trial and, as such, they can be extended the benefit of anticipatory bail in the present case.

As a sequel to the above discussion, these petitions are allowed. The petitioner(s) are directed to appear before learned Trial Court on or before the date fixed and on their furnishing adequate bail bonds to its satisfaction, they will be released on bail. The petitioner(s) would appear on each date of hearing before learned Trial Court unless ordered otherwise.

It is made clear that in any eventuality, the petitioner(s) would not extend threat or put pressure on the complainant and his witnesses to depose in favour of them

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(petitioners).

Whatever has been observed here-in-above, is for the limited purpose of deciding present petitions.

A copy of this order be placed on the file of CRM-M-38776 of 2015.

(NARESH KUMAR SANGHI)
JUDGE

December 18, 2015
P Kapoor