

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

**CRM-M-16820 of 2017 (O&M)
Date of Decision: June 02, 2017**

SI Major Singh

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulari, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in FIR No.28 dated 01.04.2017, under Sections 166/201/380/426/109/120-B of Indian Penal Code 1860 and Section 13(c) of the Prevention of Corruption Act and Section 67-A of Punjab Police Act, 2007 along with Section 59 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station, City Fazilka.

Learned Senior counsel would vehemently contend that the allegations of tampering with the locking system of the Centralized Malkhana situated within the premises of Police Station Fazilka and thereby having unauthorized access to the case property by the petitioner are wholly unfounded. It is submitted that the present petitioner was only having the key of the lower lock whereas factually it was a double locking system and the key

of the upper lock was with the Superintendent of Police (Investigation) and as such there was no occasion and possibility of the petitioner to have opened the Malkhana. Further contended that the FIR is ill motivated and the petitioner is a victim at the hands of Senior Police Officials. Further argued that co-accused Surjit Singh, Head Constable at Police Station Arniwala, has been granted benefit of bail. Prayer for anticipatory bail is pressed on the ground that there is no recovery to be effected from the petitioner.

Counsel for the parties have been heard at length.

Petitioner herein holds the rank of Sub Inspector in Punjab Police and was the Incharge of Centralized Malkhana, Police Lines, Fazilka. FIR has been registered on the complaint of Superintendent of Police (Investigation) Fazilka. The precise allegations against the petitioner are that he in-conivance with certain other officials/Civil persons has tampered with the locking system of the Malkhana on 12.03.2017 after shutting of the CCTV camera that had been installed for a certain point of time and thereafter having illegally and unlawfully gained access to a case property in relation to an NDPS matter.

The complainant is a senior police official holding the rank of Superintendent of Police (Investigation) Fazilka. Perusal of the FIR would reveal that the same has been registered upon checking the centralized Malkhana as also the CCTV footage and after recording the statements of Sub Inspector Bhagat Singh, Guard Incharge, Centralized Malkhana and Constable Jagjit Singh.

On a previous date of hearing, counsel had sought time to place on record documents/ material to substantiate the assertion that the petitioner is being falsely implicated at the hands of the Superintendent of Police (Investigation) Fazilka and who was allegedly inimical to him.

In spite of an adjournment having been granted, no such document/material has been placed on record.

The charge against the petitioner is serious and will have to be viewed with some concern. Co-accused Surjit Singh, Head Munshi, had been arrested in the present FIR and thereafter has been released on regular bail. As such, there would be no parity insofar as the present petitioner is concerned who is yet to join investigation.

Petitioner himself holds the rank of a serving Sub-Inspector in Punjab Police. Against the backdrop of allegations, there would be a distinct possibility of the petitioner hampering the course of a free and fair investigation.

In the totality of circumstances and in view of the serious allegations, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

02.06.2017
anju rani

Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***