

Sr. No.104

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

**CRM-M-36504-2018
Date of decision:24.08.2018**

Sat Pal Arora and another

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Goyal, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.0227 dated 30.07.2018 for the offences punishable under Sections 323,326,506,120-B IPC registered at Police Station Division No.7, Police Commissionerate Ludhiana, District Ludhiana(Punjab).

Learned counsel for the petitioners has submitted that the allegation against the petitioners are false and concocted. No such incident as alleged in the FIR has taken place. It is further contended that there is delay in lodging the FIR. Learned counsel further submits that the allegation under Section 326 IPC is not made out even from the bare perusal of the FIR. Hence the present petitioners should be granted anticipatory bail.

Having heard learned counsel for the petitioners, this Court finds that the argument of learned for the petitioners is not sustainable.

As per the allegations contained in the FIR, the alleged occurrence has taken place in the premises of the police station. There is specific allegation that the petitioners attacked the complainants and had a

scuffle with the father of the complainant. In the process, the petitioners caught hold of father of the complainant and gave him beatings, thereby breaking his tooth.

The very fact that the incident had taken place inside the police station, reflects the seriousness of the matter. Medial evidence shows the injuries caused to the father of the complainant. The Investigation is still at the initial stage. The Hon'ble Supreme Court has laid down in a number of cases that the custodial interrogation is qualitatively and quantitatively different than the investigation, which is conducted when the accused is protected by the order of the Court. With that protection, the accused is not likely to answer properly the questions which are required to decipher the details of the crime. Moreover, the petitioners have not been able to make out any extra ordinary circumstance because of which the Court might need to interfere in the process of investigation by the police.

In view of the above, this Court does not find any justification to prevent the police from investigating the matter in its right earnest.

Dismissed.

24th August, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*