

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

1. CRM-M No.6205 of 2018
Date of Decision:27.03.2018

Surinder Singh @ Babbu & anr.Petitioners
Vs
State of Punjab **....Respondent**

2. CRM-M No.7042 of 2018

Joginder Singh @ Jindu **.....Petitioner**
Vs
State of Punjab **....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Santpal Singh Sidhu, Advocate with
Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Randhir Singh Thind, D.A.G., Punjab.

Mr. C.M. Munjal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Vide this common order CRM-M No.6205 of 2018 and CRM-M No.7042 of 2018 are being decided. As both the petitions, arise out of common controversy, therefore, for brevity facts are being culled out from CRM-M No.6205 of 2018.

[2]. Petitioners have preferred the petition under Section 438 Cr.P.C. for the grant of anticipatory bail in case bearing FIR No.11 dated 31.01.2018 registered under Sections

353/186/332/225/341/506/148/149 IPC and under Sections 25/27/54/59 of the Arms Act at Police Station Kulgarhi District Ferozepur.

[3]. Learned counsel for the petitioners submitted that the petitioners are the elected members of Cantonment Board. Petitioner No.1-Surinder Singh @ Babbu was elected as Vice President of the Cantonment Board. The allegations with regard to the interference of political persons working in the Cantonment Board have been alleged. It has been alleged that the majority of the members were affiliated to the fold of petitioner No.1-Surinder Singh Babbu and were enjoying the majority. Due to political clout, petitioner No.1 was sought to be removed from the post of Vice President and with view to achieve the said target, the petitioners have been harassed and implicated in false cases. Reference was made to FIR No.27 dated 22.04.2017 under Sections 365, 34, 506 IPC, P.S. Cantt. Ferozepur which was registered against Vishal @ Happy Kad, whose wife Deepti Kad was the member of Cantonment Board from Ward No.7 and against Sebastian Rai, member from Ward No.8, who were supporters of the petitioners. After registration of the said case, the aforesaid persons were pressurized to join the fold of the complainant with a sole motive to topple the Vice Presidentship of petitioner No.1.

[4]. Learned counsel further submitted that the petitioners were also implicated in FIR No.52 dated 06.06.2017 registered under Sections 332, 295-A, 353, 186, 149 IPC at P.S. Ferozpur Cantt. After making two members to join the fold of complainant's party, a requisition was submitted for convening a special board meeting for removal of petitioner No.1 from the post of Vice President. Meeting was called on 24.01.2018. A complaint was made by petitioner No.1 to the CEO Cantonment Board and to the President, Cantonment Board. The police wrongly stopped Baljinder Singh from entering into office of Cantonment Board. The allegations have been made that the petitioners and their supporters were prevented from attending meeting by the police officials, when the petitioners and Sunil Kumar were stopped. It was only due to presence of media people, they were allowed to enter into the office of Cantonment Board and the meeting was suspended till further orders. Thereafter a notice dated 29.01.2018 was circulated and the meeting was kept for 01.02.2018.

[5]. By referring to the number of instances, learned counsel tried to expose the conduct of the police officials, who acted under the clout of complainant party. The lodging of present FIR for the offences under Sections 353/186/332/225/341/506/148/149 IPC, besides other offences

is nothing but an handiwork of political game. Offence under Section 186 IPC is an aggravated offence of Sections 353, 332 IPC and the same is non-cognizable in nature. It is only by virtue of other cognizable offences, these offences are being pressed as cognizable offences. No police official was assaulted, nor any hindrance was caused in the performance of duties of public servant. As per CCTV coverage, no such incident has taken place. The only allegation made in the FIR is to the effect that when the police party went to nab Sunil Kumar from the car make Scorpio, two youngsters were found present in the car. One was Baljinder Singh, P.A . to Joginder Singh Jindu Ex. MLA and other one was petitioner No.1 Surinder Singh @ Babbu. 4-5 unidentified persons were also found present. Baljinder Singh, P.A. made phone call to Joginder Singh Jindu, Ex. MLA and called him to the spot. Meanwhile, said Joginder Singh Jindu, Ex.MLA along with Rajesh Kumar arrived there in a car with arms, who abducted car of the complainant by surrounding it in a forcible manner. They got released Sunil Kumar forcibly. Meanwhile Rohit @ Dabbu along with 5-7 unidentified persons arrived there, who soon after arriving started quarreling and inflicted injuries to the complainant as well as PHG Gurbakhsh Singh. They tore away the uniforms and got released Sunil Kumar forcefully.

[6]. Learned counsel for the petitioner further submitted that video of the entire episode was recorded. Neither the petitioners were present at the spot, nor they ever assaulted or caused interference in working of the police. Petitioners have been implicated with a sole purpose that the petitioners as well as co-accused may not attend the meeting regarding No Confidence Motion on 01.02.2018 by getting a false FIR registered. The complainant-party was successful as the petitioners as well as the co-accused Sunil Kumar could not attend the meeting of Cantonment Board on 01.02.2018 and accordingly, No Confidence Motion was passed against the petitioner on 01.02.2018. Petitioner No.2 claimed himself to be in Moga, whereas petitioner No.3 claimed himself to be in some restaurant at the time of alleged offence.

[7]. The arguments advanced by learned counsel for the petitioners were contested by learned counsel appearing on behalf of the complainant.

[8]. Looking to the controversy, it appears that both the parties are involved in a dispute relating to election to the post of office bearers of the Cantonment Board. The allegations and counter-allegations in the aforesaid context would be tested by the Court at the relevant time.

[9]. At this stage, without meaning anything on the merits of the case, I deem it appropriate to direct the petitioners to appear before the Investigating Officer on 01.04.2018 at 11:00 a.m. In the event of their arrest, they shall be granted bail by the Arresting Officer subject to following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

March 27, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No