

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20355-2019

Date of decision: 20.05.2019

Gurpal Singh @ Ghuda and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.P.S. Bal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to petitioners Gurpal Singh @ Ghuda, Sucha Singh Fauji and Malkit Singh, in FIR No.48 dated 19.04.2019 under Sections 341, 186, 353, 149 IPC, registered at Police Station Sadar Batala.

Learned counsel for the petitioners has submitted that as per allegations in the FIR, which was registered on the statement of complainant, petitioner No.1 Gurpal Singh @ Ghuda is in the business of selling illegal liquor and on receiving such secret information, the Investigating Officer sent Constable Manpreet Singh in civil dress for recci and he informed that petitioner Gurpal Singh @ Ghuda is in the business of selling illicit liquor. Thereafter, the Investigating Officer along with other police officials, conducted a raid and found all the three petitioners present, who started raising hue and cry

loudly and stopped the police officials from conducting the raid and thereafter, 5-7 unidentified persons also came at the spot and by making the shield, they started abusing and arguments with the police party and also gave push and pull to them. It is further stated that Gurpal Singh @ Ghuda ran away from the spot with a heavy weight substance in a big plastic bag, in which there can be illegal liquor. It is also stated in the FIR that later on Constable Manpreet Singh, who was also a part of the police party, informed the Investigating Officer that while the accused persons were exchanging the fist blows, they had even torn his uniform and have caused hindrance in performance of their duty.

Learned counsel for the petitioners has argued that in fact, the petitioners are falsely implicated in this case on account of their political association with a party, which is now in opposition to the present ruling party and there is delay in registration of the FIR.

Learned State counsel, on instructions from ASI Ramesh Kumar, has however submitted that there are serious allegations against the petitioners, as they have not only obstructed the police party in performing their public duty but raised a quarrel with them and even by giving fist blows to Constable Manpreet Singh, they have torn his uniform. It is further submitted that the petitioners are specifically named in the FIR and they all manhandled the police party and the investigation is still going on. Learned State counsel further submits that there are 03 more cases pending against petitioner No.2 Sucha Singh Fauji and 01 more case is pending against petitioner No.3 Malkit Singh under the Excise Act.

After hearing learned counsel for the parties, considering the serious allegations that petitioner No.1, by using force and manhandling the

police party, ran away from the spot with some substance, which the police party apprehends to be illicit liquor and also considering the fact that there are serious allegations against all the petitioners that they have not only manhandled the police party but have torn the uniform of Constable Manpreet Singh and stopped the police party to perform their duty, I find no ground to grant anticipatory bail to the petitioners.

Dismissed.

20.05.2019

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No