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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46518-2019(O&M)
Date of decision : 09.12.2019

Bhupinder Singh and others Petitioners

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kuldip Sanwal, Advocate for the petitioners.

Mr.APS Gill, DAG, Punjab.

Mr.Rahul Rampal, Advocate for the respondent-complainant.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 04.12.2019, an affidavit of Shri Rakesh Aggarwal, Commissioner of Police, Ludhiana, has been filed which is taken on record, stating therein that the petitioners obstructed the police party from doing its duty while investigating FIR No.230 of 2019(also shown to be registered on the same day as the FIR presently in question, i.e. FIR No.231 dated 21.09.2019), with them also having manhandled the police officials and having intentionally let their Pitbull(dog) attack them and cause injuries upon the person of Head Constable Sukhwinder Singh, with the trousers of Head Constable Manjinder Singh also torn.

Learned State counsel has also produced in Court today a Medico Legal Report in respect of the injuries stated to have been received by Head Constable Sukhwinder Singh.

As regards the time given in FIR No.231(it had been recorded in the order of this Court dated 06.11.2019 that it was recorded from 00 hours to 00 hours on 21.09.2019), the explanation of the Commissioner is to the effect that since a *ruqa* was sent by ASI Shaukeen Singh to the police station, on the basis of which FIR No.231 was recorded, no time was given and therefore the aforesaid 00 hours to 00 hours, denoting 'no time' (as per the Commissioner) was entered.

Learned State counsel submits that the report under Section 173(2) Cr.P.C. has already been submitted to the competent court in the context of FIR No.231 dated 21.09.2019.

That being so, though without making any comment on the merits of the case, especially in view of the fact that a Head Constable is stated to have been attacked by the dog of the petitioner, which of course would be also something to be gone into by the trial Court, simply because at this stage the custodial interrogation of the petitioner is obviously not required, subject to of course any further investigation ordered by a competent court, the interim order dated 06.11.2019 is made absolute.

However, it is to be observed that the contention of the Commissioner of Police, Ludhiana, to the effect that the time “00 hours to 00 hours” amounts to 'no time', is a contention which is to be rejected for the simple reason that the time “00 hours” indicates midnight.

An affidavit to that effect having been filed by the Commissioner of Police, Ludhiana is not at all appreciated. Therefore, the DGP, Punjab, is directed to issue instructions that no FIR shall be registered showing the time “00 hours to 00 hours” as regards any occurrence, unless of course the

occurrence actually takes place within that time i.e. between 00.00 hours to 00.59 hours. Of course, if there are any cogent reasons as to why such instructions should not be issued, an affidavit of an ADGP be filed, upon directions of the DGP, bringing forth such reasons before this Court.

It is also made clear that FIR No.230 dated 21.09.2019, not being the subject matter of this petition, the merits thereof are not commented upon by this Court, the current occurrence being only in respect of a police party having allegedly been attacked by the dog of the petitioner, upon it going to the house of the petitioner, with any background as is considered necessary by the trial Court to be gone into, to be at its own discretion on the basis of the evidence led before it.

It is also to be noticed that the interim bail granted to the petitioner has been confirmed only because the report under Section 173 of the Cr.P.C. has been submitted to the competent Court. However, admitting the petitioners to bail will not be taken in any manner to be a comment on the actual merits of the case by this Court, with the trial Court to naturally come to its own conclusion on the basis of the evidence led before it.

For the affidavit of the ADGP to be filed, as regards the instructions to be issued by the DGP (or for putting before this Court any reason as to why such instructions should not be issued), adjourned to 30.1.2020.

(AMOL RATTAN SINGH)
JUDGE

09.12.2019
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No