

202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 9654 of 2020 (O&M)
Decided on: 03.12.2020

Jagmohan Lal

....Petitioner

Versus

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.RCCHG0512019S0003 dated 02.02.2019, registered under Section
326-A IPC at Police Station CBI, SCB, Chandigarh.

The operative part of the order dated 05.03.2020, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“...Learned counsel submits that vide order dated
20.01.2020 passed by the trial Court, the petitioners have
been summoned to face trial as additional accused under
Section 7 of the Prevention of Corruption Act, Section 341,
326-A, 201 read with Section 120-B of the IPC.*

*Learned counsel further submits that as per the
allegations in the FIR, one Joga Ram was arrested in
connection with FIR No. 116 dated 14.04.2018, registered
under Section 15 of the NDPS Act at Police Station
Phillaur, District Jalandhar (Rural) by a team, headed by
ASI Gian Ishwar. The said team was consisting of HC*

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Raninderpal Singh 816 (petitioner in CRM-M9670-2020), HC Kishan Chand 348 and PHG Jagmohan Lal (petitioner in CRMM-9654-2020). After the arrest when the said accused Joga Ram was brought to the police station, he complained of pain in his stomach and since there was no toilet at the spot, he was taken to Police Station Phillaur to enable him to use a toilet meant for general public. After some time, ASI Gian Ishwar noticed that Joga Ram was holding a plastic bottle and steam was coming out of his mouth and he found that Joga Ram has drunk some chemical which was lying as cleaning agent in the bathroom. Thereafter, said Joga Ram alleged that he was forcibly administered some chemical like acid and an inquiry was conducted by the SDM, Phillaur, who submitted his report dated 13.11.2018 opining that Joga Ram and his family members are involved in number of cases under the NDPS Act and in order to create some evidence, he has voluntarily consumed the chemical/acid and no one has forced him to do so.

Learned counsel further submits that the aforesaid inquiry is based on appreciation of the statements recorded by complainant side, medical evidence by way of doctor as well as by the suspect persons/police officials. The SDM concluded that the charge of forcibly pouring chemical/acid in the mouth of Joga Ram is not proved.

Thereafter, Dalip Singh, one of the suspects in the said NDPS case, filed a petition bearing CRM-M-47579-2017 and in the said petition, this Court ordered that a case be registered by the CBI. The operative part of the order reads as under:

“13. It is thus ordered that a case be registered by CBI as regards the aforesaid matter pertaining to allegations of pouring of acid in Joga Ram's mouth while he was in custody and be investigated thoroughly. The

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present case falls within the category of an exceptional situation wherein in order of provide credibility and confidence in investigation especially when the suspect is a member of the police, the matter may be referred to CBI, as has been held in 2010(3) SCC 571 State of West Bengal and others vs. The committee for Protection of Democratic Rights West Bengals and Others. Needless to mention, the CBI would be at liberty to reach at any independent conclusion without being bound by report of the SDM in any manner. The local police as well as the office of SDM shall extend all the requisite cooperation to the CBI for investigation in the matter. Since the present petition is in fact a petition filed by Dalip Singh under Section 439 Cr.P.C. seeking grant of bail, therefore, the aforesaid directions being issued by this Court for registration of a case by CBI be treated to have been issued in exercise of inherent jurisdiction vested in this Court.

14. The CBI shall furnish a brief status-report as regards the investigation in the matter pertaining to allegation of rape upon Dalip Singh's wife and as regard the aforesaid acid pouring matter on the next date.”

Learned counsel further submits that in pursuance thereof, the present FIR has been registered and now the trial Court has summoned the petitioners.

Learned counsel further submits that as per the allegations in the FIR, petitioner Jagmohan Lal was the junior most official in the order of hierarchy and he had only taken ruqa from the spot to police station for registration of aforesaid FIR No. 116 and petitioner Rupinderpal Singh was a Head Constable, who was the part of the investigating team and for all intent and purposes, the custody of Joga Ram was with ASI Gian Ishwar and Inspector/SHO Jaswinder Singh.

Learned counsel further submits that the petitioners are ready to appear before the trial Court and apply for

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regular bail.

Learned counsel further submits that petitioners undertake that they will not challenge the summoning order and will face the trial.

Notice of motion for 20.04.2020....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 05.03.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the respondent – CBI, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 05.03.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

03.12.2020

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No