

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

CRM-M-13020-2020(O&M)
Date of decision: 03.07.2020

Sukhwant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Gurjot Singh Sadhrao, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

CRM-11309-2020

Allowed as prayed for.

CRM-M-13020-2020

Prayer is for a regular bail under Section 439 of the Code of Criminal Procedure in FIR No.74, dated 05.04.2020, under Sections 147, 148, 149, 186, 188, 269, 270, 271, 332, 353 IPC and Section 51 of the Disaster Management Act, 2005 (later on Section 333 IPC was also added pursuant to the order dated 14.05.2020 passed by the learned Additional Sessions Judge, Sirsa), Police Station Kalan Wali, District Sirsa.

As per the prosecution version, Dharampal ASI and Amritpal ESI, Hansi, along with Jagdev Singh SPO, were present in a government vehicle no.HR-24L-7738 at village Daddu to ensure enforcement of lock down norms owing to the pandemic [COVID 19] nation is faced with.

However, upon receiving the information that despite lock down people have gathered in the lane of the village, Dharampal ASI along with his colleagues reached the spot, where 15/20 boys and women were found standing with lathi/sticks. They were explained that in terms of guidelines/norms issued by the Government, which were to be adhered to, they were required to stay indoors, but despite that Gorkha, Mahesha, Kala, Hansa sons of Balbir Singh, Ranjeet Singh son of Gurjant Singh, Iqbal Singh son of Nasib Singh, Rani wife of Nasib Singh, Veerpal wife of Gorkha, Sukhpreet wife of Kala, Chhindi wife of Mahesha, Reena wife of Hansa, Ravi son of Desha Singh, Lovepreet son of Raja Singh, resident of Daddu, suddenly attacked Dharampal ASI and ESI Amritpal. The assailants alleged to have caused injuries at the back and both the hands of ASI Dharampal as also on his head with lathi/sticks. As a result, he fell unconscious. Even his uniform was alleged to have been torn by the assailants. Amritpal ESI was also stated to have suffered certain injuries.

Learned counsel for the petitioner submits that ex facie his implication is false, for, he was neither named in the FIR nor any specific injury was attributed to him. But was implicated on the statement of ESI Amritpal under Section 161 Cr.P.C. It is urged that petitioner is not a history sheeter and no other case is pending against him. Further, two of the ladies, who too were not named in the present FIR but subsequently implicated, have also been enlarged on bail by the Additional Sessions Judge, Sirsa, vide order dated 16.05.2020. It is submitted that the petitioner is in custody since 13.04.2020 and nearly three months have gone by. Further, the investigation is complete and the challan has also been presented. Thus, he was entitled to bail.

Though learned State counsel does not dispute the factual position as set out above, however, she submits that the injury suffered by ASI Dharampal on his head was grievous in nature. But, upon being pointedly asked, she fairly submits that both Dharampal ASI and Amritpal ESI were discharged from the hospital long ago, possibly on the date of occurrence itself.

In the wake of the above, it is deemed just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

03.07.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO