

1. CRM-M-13377-2020 (O&M)
Date of decision: 01.06.2020

Hansa Singh @ Hans RajPetitioner

versus

State of PunjabRespondent

2. CRM-M-13533-2020 (O&M)

Jasvir Singh @ MakhuPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ruhani Chadha, Advocate
for the petitioners.

FATEH DEEP SINGH, J.(ORAL)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Dhruv Dayal, Senior DAG, Punjab puts in appearance on behalf of the State on his own.

This order shall dispose off two anticipatory bail applications, one filed by Hansa Singh @ Hans Raj and the another one filed by Jasvir Singh @ Makhu, under Section 438 Cr.P.C. having arisen out of the same FIR No.05 dated 05.01.2020 under Sections 307, 186, 332, 353, 224, 225, 427, 148, 149 and 333 of the Indian

Penal Code registered at Police Station Sultanpur Lodhi, District Kapurthala.

The brief facts as canvassed before this Court by the learned State counsel are that the present case was got registered on the statement of ASI Mangal Singh, wherein, he alleged that in respect of FIR No.193 dated 22.11.2019 under Sections 15, 21, 25, 29, 61, 85 of the NDPS Act pertaining to Police Station Kartarpur when they went to arrest the accused in that case, all the accused comprising of petitioners-Hansa Singh @ Hans Raj and Jasvir Singh @ Makhu along with their co-accused/non-applicant-Parmatma Singh @ Bhola, Mewa Singh, Paramjit Singh @ Pamma, Jaspal Singh, Balbir Singh, Charanjeet Singh @ Gajju, Mithu, Jaswant Singh @ Sonu, Rattu assaulted them with *kirpans*, *datars*, baseball bats and hockey sticks etc., as a consequence of which, ASI Mangal Singh, HC Lakhwinder Singh and HC Faquir Singh received injuries leading to the registration of the present case.

The allegations against the petitioner-Hansa Singh @ Hans Raj are that he gave a *datar* blow on the right hand of the complainant-ASI Mangal Singh, which has been declared as simple. However, no other injury is attributed to the petitioner.

Learned counsel for the petitioners *inter alia* contends that similarly placed co-accused, namely, Parmatma Singh @ Bholu, Mewa Singh, Balbir Singh and Charanjit Singh @ Gajju have already been allowed interim bail by this Court vide orders dated 18.03.2020,

20.03.2020, 13.05.2020 and 27.05.2020, respectively, and that the case of the petitioners is not distinguishable from that of the co-accused and that nothing is to be recovered from the petitioners, and that simple injury is attributed to the petitioner, Hansa Singh @ Hans Raj.

The learned State counsel has strongly opposed the relief arguing that the petitioners were instrumental in attacking the police along with others and have managed to free the co-accused in the previous case now also their co-accused, who were co-accused in the previous case and that in view of the seriousness of the offences having assaulted the police officials in the discharge of their duties, the petitioners are not entitled to any relief.

What is there before this Court, the petitioner-Jasvir Singh @ Makhu is unarmed and no specific role is attributed to him in the commission of offence and the petitioner-Hansa Singh @ Hans Raj has been attributed simple injury on non-vital part of the complainant-ASI Mangal Singh.

To the specific query of the Court, the learned State counsel fairly concedes that there is nothing tangible to show what authorization the police had to raid the premises in a case pertaining to November, 2019.

In light of what has come across to this Court, it is a fit case to grant bail to the petitioners. This Court is of the opinion that it would be a travesty of justice to send the petitioners in custody

in the present case and their joining the investigation would suffice the purpose. Accordingly, the petitioners are directed to appear before the Investigating Officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petitions stand disposed off accordingly.

01.06.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No