

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

**CRM-M No.14315 of 2020 (O&M)
Date of decision: 08 .06.2020**

Sukhjinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Prateek Pandit, Advocate for the petitioners.

SUVIR SEHGAL J.

Instant petition has been filed for grant of anticipatory bail to the petitioners, namely, Sukhjinder Singh and Kulwinder Singh, both sons of Satnam Singh in FIR No.184 dated 12.12.2019 under Sections 307, 379-B, 353, 186, 332, 333, 148, 149, 120-B IPC and Section 22 of NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

FIR has been registered on the basis of the statement of SI Harjit Singh, wherein he has alleged that he, along with other police officials, had gone to the house of Harjinder Singh, son of Satnam Singh on receiving information that he was indulging in smuggling of intoxicating substance. When, the police reached the house of Harjinder Singh at 4:15 pm on 12.12.2019, they found Harjinder Singh, both the

petitioners and a number of other persons, including some ladies, in the house. When the complainant asked Harjinder Singh as to what he was doing, all the persons present on the spot, handed over the money which they were carrying, to Harinder Singh, who hastily put it in a bag lying on the cot. When the complainant asked as to whose money it was, all the persons got up. The ladies raised a lalkara that the police has come to arrest him and he should kill them and run away. When the complainant and other officials tried to apprehend them, they scuffled with the police officials. Harjinder Singh attacked ASI Santokh Singh with his Takua with an intention to kill him, which hit the head of ASI Santokh Singh. Petitioner No.1 -Sukhinder Singh @ Mithu attacked Head Constable Sham Singh with a datar on his head and petitioner No.2-Kuljinder Singh along with others attacked the police with wooden sticks etc. and injured them. Kuljinder Singh-petitioner No.2, snatched .9 mm pistol of Onkar Sharma. The police raised an alarm upon which all the persons fled. They left behind a transparent envelope containing intoxicating substance and a bag containing money.

Counsel for the petitioners has submitted that both the petitioners are innocent. He urges that the main accused was Harjinder Singh, however, his family members have been roped in and there is a video recording in which SI Harjit Singh, who conducted the raid, can be seen admitting that no recovery had been effected and the raid had been conducted on the basis of suspicion alone. His further submission is that the offences under Sections 307, 379-B IPC and Section 25 of the Arms Act are also not made out as he is not alleged to be carrying or using any

fire arm. Still further, he submits that the some co-accused have already been granted the concession of regular bail. He also made a reference to two orders, Annexures P-3 and P-4 passed by this Court, to contend that two of the co-accused have been granted the concession of ad-interim anticipatory bail by this Court.

Notice of motion.

On the asking of the Court, Ms.Bhawna Gupta, DAG, Punjab accepts notice on behalf of the State of Punjab. Advance copy of the petition has already been supplied to her. On the basis of instructions received from S.I. Harjit Singh she submits that the packet of 1 kg intoxicant which the petitioners and other co-accused had left behind was examined and was found to be tramadol which is of commercial quantity. The total money seized at the spot was Rs.13,50,260/-. She urges that both the petitioners had attacked and injured the police officials who had come to the place of Harjinder Singh in discharge of their officials duties.

I have considered the submissions of the parties.

Specific allegations have been levelled against both the petitioners. Petitioner No.1 -Sukhjinder Singh @ Mithu is alleged to have attacked and injured Head Constable Sham Singh with a datar on his head. Kulwinder Singh besides, attacking the police with wooden stick had snatched the weapon of a police official. Besides, huge quantity of intoxicating substance, drug money was also recovered from the spot. There is no explanation given by the petitioners regarding the seized drug money. The veracity of the alleged recording will be seen during the trial. The reliance placed by the petitioners on the two orders dated 20.02.2020

and 05.03.2020, Annexures P-3 and P-4, passed by this Court show that the ad-interim anticipatory bail had been given to both the ladies since the only allegation against them was that they had instigated others to attack the police officials.

The allegations against the petitioners are very serious in nature. Not only there is recovery of drugs and drug money, but the petitioners have obstructed the police officials from discharging their duty and caused injuries to them. Custodial interrogation of the petitioners is necessary to find out the exact role of petitioners in the entire episode. Concession of anticipatory bail cannot be given to the petitioners in view of the above circumstances.

Petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

08.06.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No