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

**CRM-M-15620-2020
Date of Decision: 05.08.2020**

Dilawar Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gurpreet Singh Sandhu, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure on behalf of the petitioners, seeking anticipatory bail in case FIR No.49 dated 15.04.2020, under Sections 379-B, 309, 353, 186, 420, 467, 468, 188, 506, 269, 270, 271, 283 and 120-B of the IPC and Section 51 of Disaster Management Act, 2005, registered at Police Station Dayalpura, District Bathinda.

2. Notice of motion.

3. Mr. Luvinder Sofat, AAG, Punjab, to accept notice on behalf of the State.

4. Ld. Counsel for the petitioners submits, *inter alia*, that the FIR was drawn up *suo motu* by the SHO of Police Station Dayalpura on 15.04.2020 out of the vendetta, after co-accused Baljit Singh had made a complaint against the Police Authorities to the Deputy Superintendent of Police for their alleged excesses committed on 13.04.2020.

5. Ld. Counsel for the petitioners also submits that the Arms Licences seized from co-accused Baljit Singh were genuine inasmuch as one was in the name of Baljit Singh himself, and the other was in the name of his father-in-law co-incidentally also called Baljit Singh, which explains the discrepancy in their respective fathers' names, and, as such, it cannot be said that there is any fraud or forgery in those documents simply because fathers' names of the two weapon licence holders, having a common name, did not match.

6. Ld. Counsel for the petitioners further submits that the allegation of the complainant Baljit Singh of having threatened to kill himself in the Police Station is also false and fabricated, and that neither the said Baljit Singh attempted to commit suicide nor he is likely to do so.

7. It is verified that the petitioners along with co-accused Baljit Singh had already been implicated in FIR No.48 dated 14.04.2020, under Sections 170, 188, 269, 270, 271 and 506 of the IPC and Section 51 of Disaster Management Act, 2005, registered at Police Station Dayalpura, after which the complaint against the Police Officials was lodged with the Deputy Superintendent of Police.

8. Admittedly, the offences in the original FIR were relatively minor in nature, but on the very next day, the Police Authorities drew up the present

FIR involving more stringent offences, after complaint by co-accused Baljit Singh had already been submitted to the Deputy Superintendent of Police.

9. In view of the aforesaid circumstances, this Court is of the opinion that custodial interrogation of the petitioners in the present case is not warranted.

10. In the circumstances, the petitioners' prayer for Anticipatory Bail is allowed and they are ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). They 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, the petitioners will be permitted to furnish bail bonds to the satisfaction of the Ld. Trial Court.

11. Disposed off.

05.08.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No