

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-17005-2020

Date of Decision:17.08.2020

Rajinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.71 dated 15.05.2020 under Sections 379-B, 341, 323, 148, 149 IPC, registered at Police Station City Jalalabad, District Fazilka.

As per FIR on 14.05.2020 at about 10.30 PM, when complainant Head Constable Fauja Singh was returning home in the car after performing his COVID-19 duty, three motorcycle riders followed the complainant. They tried to stop the complainant after over-taking their motorcycles, but the complainant did not stop. However, when the complainant reached near the Sem Drain in the area of Jalalabad, three motorcycles were standing parked on the Sem Drain and five persons were

standing there. They waylaid the complainant. The accused were armed with Dasta, Sotas and Rods. The accused took out the complainant from the car after opening the window of the car and they started beating the complainant and had snatched Rs.2,000/- from him.

Learned counsel for the petitioner has argued that it is because of the previous enmity between the complainant and the petitioner, the petitioner along with his father have been named as an accused. Petitioner is in custody since 15.05.2020. He is a young boy of 20 years of age and is a student of 12th class. There is no other case against him. The allegation of snatching of Rs.2,000/- from the complainant is totally false. It is further argued that the Gram Panchayat, Village Tiwana Kalan has issued a panchayatnama dated 19.05.2020 attested by the whole gram panchayat of Village Tiwana Kalan, Tehsil Jalalabad, wherein the Panchayat has doubted the very story of the complainant.

Learned State Counsel does not dispute the custody period, however, he submits that there is no other case against the petitioner.

Heard learned counsel for the parties.

The parents of the petitioner have submitted an application/representation to the SSP, Fazilka, so as to conduct fair enquiry in the matter as the complainant has prepared a concocted story, where the petitioner and his father Gurnam Singh have been named as an accused. The said representation has been marked to the Deputy Superintendent of Police, Jalalabad West, which is pending consideration. The Panchayat of village Tiwana Kalan has issued a Panchayatnama dated 19.05.2020, which is attested by the whole panchayat, wherein the very story made by the complainant has been doubted. The allegation of snatching of Rs.2,000/-

from the complainant, who happens to be the police personnel, by the petitioner, a young boy of 20 years and his father, is doubtful. However, considering the fact that the petitioner is a young boy of about 20 years of age and there is no other case against him, coupled with the fact that trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, at the same time, SSP, Fazilka is directed to supervise the enquiry entrusted to DSP into the allegations made by the parents (father and mother of the petitioner), wherein action against the SHO, Police Station City, Jalalabad has been sought for in the case.

It is made clear that in case in the enquiry, the allegations levelled against the erring police official are found a correct, appropriate action be taken against him.

August 17, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No