

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

CRM-M-17981-2020(O&M)

Date of decision:-9.7.2020

Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Kamal Narula, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Laddi, aged about 33 years, an accused in FIR No.0045 dated 4.4.2019 for the offences under Sections 332, 225, 353, 186, 148 and 149 IPC, registered with Police Station Guruharsahai, District Ferozepur.

Briefly stated, the facts of the case as per the prosecution story are that on 4.4.2019 at about 12:30 noon, a police party from Police Station Guruharsahai led by SI Darshan Singh was proceeding in official vehicle No.PB05-AB-6867 in connection with investigation of a case bearing FIR No.28 of 2019 for an offence under Section 61 of Punjab Excise Act, 1914; when the vehicle carrying the police party had reached

Kutti Chowk, Guruharsahai, then SI Darshan Singh received a secret information that Ajay Kumar @ Aji son of Chhinder Pal Singh, resident of village Guruharsahai was habitual of selling of heroin and if a raid was conducted, he could be apprehended; the information being reliable, the police party reached the disclosed place; when the vehicle carrying the police party reached near the house of said Ajay, he tried to slip away but was apprehended by the police party; he took out a polythene bag from his pocket of capry and threw the same on the ground; he cried loudly on which Rakesh Kumar @ Keshi armed with a baseball, Harmesh Lal @ Meshi armed with a rod, Chhinderpal empty handed, Veena Rani armed with a soti, Sunita Rani armed with a soti, Charanjit Kaur armed with a velna (rolling pin), Sona empty handed, Mithun @ Mithi armed with a rod, Satpal armed with a dang, Geeta armed with a soti, Laadi (present petitioner) armed with a dang, all residents of Uttla Vehra, Guruharsahai along with 6-7 other unidentified persons with dangs, sotas arrived there and started abusing the police party, restraining them from performing their official duties; they got accused Ajay released from the spot; Rakesh Kumar @ Keshi gave a blow of baseball bat, which hit on the thumb of right hand of HC Rattan Singh, driver of the police vehicle; Rakesh Kumar @ Keshi gave blow with baseball bat hitting on the right shoulder of HC Rattan Singh, then Harmesh Lal, Chhinderpal, Sunita, Charanjit Kaur tore his shirt, which was part of his uniform and other persons gave him fist blows, threatening to kill him.

On the basis of statement made by HC Rattan Singh, formal FIR was registered.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Ferozepur vide order dated 15.5.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

A perusal of the FIR goes to show that though the petitioner is named in the statement of complainant as one of the culprits, who was present there while armed with a dang but no specific injury has been attributed to him. As a matter of fact, there are no specific allegations with regard to specific role of the petitioner. As informed by the State counsel, four of the persons named by the complainant in his statement to the police have been found to be innocent.

I find it a fit case for grant of pre-arrest bail. Therefore, the petition is allowed and it is directed that in case of arrest of the petitioner in the present FIR, he is ordered to be released on bail, subject to the satisfaction of the Investigating/Arresting Officer on his fulfilling following conditions:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court; and
- (iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport, then shall file the affidavit in that regard.

In case the petitioner violate any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail to him.

9.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No