

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M-19635 of 2020 (O&M)

Baljit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

AND

2. Criminal Misc. No. M-19941 of 2020 (O&M)

Gurdeep Singh SI

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

Date of Decision: 14.08.2020

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. A.P.S.Deol, Senior Advocate
with Mr. Himmat Singh Deol, Advocate
for the petitioner (In CRM-M-19635-2020).

Mr. R.S.Cheema, Senior Advocate
with Mr. Arshdeep Singh Cheema, Advocate
for the petitioner (In CRM-M-19941-2020).

Mr. Gaurag Garg Dhuriwala, Senior Deputy
Advocate General, Punjab for the respondent.

Anil Kshetarpal, J.

By this order, Criminal Misc. No. M-19635 and Criminal Misc.

No. M-19941 of 2020 shall stand disposed of.

The petitioner-Baljit Singh has filed a Criminal Misc. No. M-

petitioner-Gurdeep Singh has filed a Criminal Misc. No. M-19941 of 2020 under Section 439 Cr.P.C. for grant of bail in a criminal case arising from FIR No. 192 dated 14.10.2015, registered under Section 307, 353, 332, 323, 382, 435, 283, 120-B, 148 & 149 IPC and Section 25 of the Arms Act, 1959 and Section 3 & 4 of the Prevention of Damage to Public Property Act, 1984, at Police Station City Kotkapura.

As per the case of the prosecution, which was registered on 14.10.2015, certain protests had taken place against the series of the incidents of sacrilege of Shri Guru Granth Sahib Ji. During those protests, the protesters turned violent forcing the police authorities to use force. A lot of policemen suffered injuries, resulting in the registration of the FIR in question. Now, after a period of more than four years and 8 months, vide DDR No. 38 dated 24.06.2020, offences under Section 467 and 409 IPC and vide DDR No. 39 dated 11.07.2020, offence under Section 195 read with Section 120-B IPC have been added against the police officials. The Petitioner-Baljit Singh, at the relevant point of time, was posted as Deputy Superintendent of Police, whereas Gurdeep Singh was posted as Station House Officer. It is not disputed before this Court that another FIR No. 129 dated 07.08.2018 was registered under Section 307, 323, 341, 148 & 149 IPC and Section 27 of the Arms act, 1959 at Police Station City Kotkapura. In the aforesaid FIR, both the petitioners were nominated as accused. The petitioners have filed a copy of the police report under Section 173 Cr.P.C. in FIR No. 129. The attention of this Court has been drawn to Clause (N) of the aforesaid challan under the title “Conspiracy in the Incident in the Police Filing”. In a nutshell, the allegations against the petitioners are that certain

empty cartridges are missing and official record has been manipulated and fabricated.

Although, both the learned senior counsels have addressed arguments at length, however, it would not be appropriate for this Court to make any observation on the merits of the case at this stage, particularly when the trial of the aforesaid cases are in progress. Suffice to say that the petitioner-Baljit Singh, pursuant to the directions of this Court, has already joined the investigation. Whereas, the Investigating Agency was granted police remand by the learned Judicial Magistrate on 25.06.2020 for one day and thereafter, again granted police remand for two days on 03.07.2020. The petitioner-Gurdeep Singh is now in judicial custody.

It may be relevant to note here that in FIR No. 129, the petitioner-Baljit Singh (In Criminal Misc. No. M-19635 of 2020) and Gurdeep Singh (In Criminal Misc. No. M-19941 of 2020) were granted pre-arrest bails by the co-ordinate Bench of this Court on 14.01.2020.

Keeping in view the aforesaid facts, both the petitions are allowed. In the case of petitioner-Baljit Singh (in Criminal Misc. No. M-19635 of 2020), interim pre-arrest bail granted to him by this Court vide order dated 27.07.2020 is made absolute. Whereas, in the case of petitioner-Gurdeep Singh (in Criminal Misc. No. M-19941 of 2020), it is directed that he be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The miscellaneous application(s) pending, if any, shall also stand disposed of in terms of the main order.

(Anil Kshetarpal)
Judge

August 14, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No