

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

CRM-M- 22463 of 2020

Date of Decision : August 13, 2020

Rashpal Singh @ Palli

..... PETITIONER(S)

VERSUS

State of Punjab

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. D.P.S. Randhawa, Advocate, for the petitioner.
Mr. Mehardeep Singh Dullat, Additional Advocate General,
Punjab.

...

Sanjay Kumar, J.

The petitioner is one of the accused in FIR No. 41 dated 19.05.2020 on the file of Police Station Rangar Nangal, District Gurdaspur, registered under Sections 427, 148 and 149 IPC and Section 25 of the Arms Act, 1959 (Sections 326, 323 and 324 IPC added later on). By way of this petition, he seeks anticipatory bail under Section 438 Cr.P.C.

It appears that there was an incident on 18.05.2020 involving two groups and in the course of the scuffle between them, both sides sustained injuries. The petitioner also suffered a grievous injury but no action seems to have been taken by the police in connection therewith. It was only after filing of a writ petition before this Court that DDR No.34

dated 28.07.2020 was registered against the other party under Sections 462, 326, 325, 323, 506, 148 and 149 IPC. On the other hand, the police seem to have been quick in registering the subject FIR against the petitioner and others, i.e., on the very next day of the incident. This apparent bias on the part of the police does not inspire confidence. Members of the uniformed service are expected to operate by higher standards but unfortunately, the reality proves to be otherwise sometimes. It is therefore not a fit case to permit custodial interrogation of the petitioner by the police.

The petition is accordingly allowed. The petitioner is directed to forthwith join investigation in FIR No. 41 dated 19.05.2020 on the file of Police Station Rangar Nangal, District Gurdaspur. In the event of his arrest in connection with the said case, he shall be released on bail upon his furnishing a personal bond for a sum of ₹20,000/- along with two sureties for a like sum each to the satisfaction of the Arresting/Investigating Officer. He shall also abide by the conditions stipulated in Section 438(2) Cr.P.C.

August 13, 2020
Kang

(Sanjay Kumar)
Judge

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