

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27032-2019
Date of decision-14.01.2020

Baljit Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Sandhu, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.129 dated 07.08.2018 under Sections 307, 323, 324, 326, 341, 201, 218, 120-B read with Section 34 of Indian Penal Code, 1860 and Section 27 of Arms Act, 1959 registered at Police Station City Kotkapura, District Faridkot. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 21.06.2019 whereby, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.129 dated 7.8.2018 under sections 307, 323, 324, 326, 341, 201, 218, 120-B, 34 I.P.C and section 27 of

Arms Act, registered at Police Station, CityKotkapura, District Faridkot.

Briefly noticed that a statement of the complainant Ajit Singh had been recorded in relation to an alleged assault on certain protesters in the town of Kotkapura which took place in the early morning hours of 14.10.2015 in relation to an incident of sacrilege of Sri Guru Grant Sahib a certain period prior thereto. It was alleged that on the orders of the State Govt. the police officials of district Faridkot had encircled the protesters who were sitting peacefully and had even fired upon the protesters. The complainant Ajit Singh is stated to have suffered a fire arm injury on his leg. As per prosecution version a total of 18 protesters suffered injuries and many others could not be traced.

Present petitioner at the relevant point of time was posted as Dy.S.P at Kotkapura.

Notice of motion was issued in the instant petition on 20.6.2019 and the matter was posted for today so as to enable learned State counsel to complete instructions.

Counsel for the parties have been heard.

It has gone uncontroverted that a Special Investigation Team (S.I.T) had been constituted in the matter and upon completion of investigation even the final report under Section 173 Cr.P.C stands presented on 27.5.2019 and a supplementary challan has been presented on 6.6.2019. The petitioner herein had joined investigation and had duly appeared before the S.I.T. At no stage the investigation team had sought custody of the petitioner.

Copy of the final investigation report has also been placed on record. Apparently, statements of 31 witnesses were recorded by the S.I.T and in none of the statements any overt act has been attributed to the present petitioner.

It is the contention raised by counsel for the petitioner that many other senior officers were present at the spot on the date of occurrence and it was not the petitioner who was commanding the police force at that point of time.

Learned State counsel upon instructions from Dy.S.P. Vibhor Kumar concedes to the presence of other senior police officers at the place of occurrence in the early morning hours of 14.10.2015 and who have also been named as accused.

It would be also apposite to take note that an incident on somewhat similar lines took place even at Behbal Kalan wherein protesters had gathered against the sacrilege incident and in which two of the protesters had even lost

their lives. A separate FIR relating to such incident had been registered against the concerned police officials. It is not in dispute that three police officials in relation to the Behbal Kalan incident namely Bikramjit Singh, S.P., Amardeep Singh and Pardeep Singh, Inspectors were granted interim bail by this Court and the petition under Section 438 Cr.P.C preferred by them is now listed for 2.7.2019. At this stage, learned State counsel clarifies that such interim protection was granted to the afore-noticed police officials even prior to presentation of challan.

In the present FIR two other senior officers namely Charanjit Singh, the then S.S.P., Moga and Paramraj Singh Umranangal, the then Commissioner of Police, Ludhiana have since been arrested and have been granted benefit of regular bail.

After presentation of the challan the petitioner now stands summoned by the J.M.I.C., Faridkot for 12.7.2019 and for the case to be committed to the Court of Sessions. Counsel for the petitioner undertakes that the petitioner would duly appear on the date fixed i.e. 12.7.2019.

List for further consideration on 6.8.2019.

In view of the discussion herein above, it is directed that in the eventuality of the petitioner entering appearance before the court on the date already fixed i.e. 12.7.2019 he would be entitled to interim bail subject to satisfaction of the court concerned.”

Learned counsel for the petitioner has apprised that order dated 21.06.2019 has been complied with and the requisite bonds have been furnished by the petitioner on 12.07.2019.

The above said fact is not disputed by learned State counsel.

In view of the above, the petition is allowed and the interim bail granted by this Court vide order dated 21.06.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.01.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No