

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

215

CRM-M-35418-2020
Date of decision: 02.12.2020

Amandeep Singh @ Aman and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate for the petitioners.

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.80 dated 06.07.2020 registered under Sections 353, 186, 323, 506, 427 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Badali Ala Singh, District Fatehgarh Sahib to which Sections 308 and 332 of the IPC were added lateron.

The above-said FIR was registered on statement of ASI Paramjit Singh. In his statement ASI Paramjit Singh alleged that on 05.07.2020 when he along with PHG Gurbhej Singh and PHG Harmesh Singh was present in Police Post Khera, ASI Kulwant Rai reached there and made complaint against Sukhdeep Singh @ Magga, Bittu, Mandeep Singh and Amandeep Singh @ Aman who had come to his

house and abused him regarding which telephonic information was given by his son Ramanpreet Sharma to the police. In the meanwhile, Mandeep Singh, Sukhdeep Singh @ Magga, Amandeep Singh @ Aman, Manjit Singh, Amarjeet Singh and three unknown persons came to the Police Post Khera on their motorcycles armed with dangs and soties (sticks), raised lalkara and gave blows to ASI Kuwant Rai with dangs and soties (sticks) and when he and other police officials came to rescue ASI Kuwant Rai, they attacked him and his colleagues with dangs and soties (sticks). Accused Sukhdeep Singh @ Magga picked up a chair with intention to kill him and struck the same on his head. When he was about to fall, accused Amarjit Singh gave dang blow on his back and Mandeep Singh tore his uniform. They destroyed chairs and window panes and criminally intimidated them by threatening to get rid of Police Post and eliminate them.

The petitioners, who are in custody since their arrest, have filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the State.

Custody certificates have been filed by learned State Counsel through e-mail prints out of which are taken on record.

I have heard learned Senior Counsel for the petitioners and learned State Counsel and have gone through the relevant record.

Learned Senior Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case due to grudge of resolution passed by the Gram Panchayat and to suppress the occurrence of threshing of Sukhdeep Singh. As per the allegations

made in the FIR, petitioner No.1 was not armed with any weapon and is not alleged to have caused any injury to ASI Paramjit Singh or ASI Kulwant Rai while petitioner No.2 is alleged to have merely torn the uniform of ASI Paramjit Singh. There is delay of about 8 hours in lodging of the FIR. ASI Kulwant Rai was not posted in the Police Post Khera. At the time of alleged occurrence four police persons were present in the Police Post Khera and the version put forth by the prosecution is totally preposterous and unbelievable. The allegations made in the FIR do not reflect any intention on the part of the petitioners and their co-accused to deter a public servant from performing his duty. None of the petitioners is alleged to be carrying any dangerous weapon at the time of alleged occurrence. Offences punishable under Sections 308 and 353 of the IPC are not made out. Injury caused on the head of ASI Paramjit Singh which attracted Section 308 of the IPC is attributed to co-accused Sukhdeep Singh @ Magga. Challan has already been filed. Co-accused Amarjit Singh and Ram Murti have already been granted bail by this Court vide order dated 26.10.2020 passed in CRM-M-22423-2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioners along with their co-accused entered into the Police Post Khera and caused injuries to ASI Kuwant Rai and ASI Paramjit Singh to deter ASI Paramjit Singh and other police officials from performing their duties as public servants and also caused damage to the articles

lying in the Police Post Khera. In view of the nature of accusation and gravity of the offences committed by the petitioners, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, the nature of accusation and evidence against the petitioners, role attributed to them, the fact that the injury caused on the head of ASI Paramjit Singh which attracted Section 308 of the IPC is attributed to co-accused Sukhdeep Singh @ Magga and also that the trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

Therefore, the petition is allowed and the petitioners- Amandeep Singh @ Aman and Mandeep Singh are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.12.2020
Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

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