

CRM-M-36815-2020 (O&M)

Through Video Conference

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

**CRM-M-36815-2020 (O&M).
Decided on: November 10, 2020.**

Harwinder Singh alias Ramu

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Harish Sharma, Advocate,
for the petitioner.**

Ms.Bhavna Gupta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail in FIR No.194 dated 19.10.2020, under Sections 307, 353, 186, 342, 332, 506, 148 and 149 IPC and under Section 13-A/3/67 of the Punjab Gambling Act, 1867,

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registered at Police Station, Dugri, Ludhiana.

The facts of the case as emanating from the FIR are that a statement was made by ASI Ranjit Singh, Incharge Police Post, Basant Avenue, Police Station, Sadar, Ludhiana, that he has received a secret information that Sumeet alias Gurjit Singh who is the main bookie for gambling at Ludhiana and number of cases of gambling are already registered against him. His brother Jasraj Singh son of Narinder Singh resident of LIG Flat near Gurudwara Phase I, Dugri, Ludhiana, Roshan nephew of Sumeet, Gurdeep Singh son of Amrik Singh Jassi and Ramu (petitioner), Himanshu, Vikramjit Singh alias Tiger resident of Baba Deep Singh and his brother Sonu resident of CRPF Colony, Dugri, Ludhiana, Harsh who are betting heavily on IPL matches through mobile and that they were betting on the IPL Match between Mumbai and Punjab at LIG flat near Gurudwara Sahib, Phase- I, Ludhiana and if the raid is conducted, they can be apprehended red handed. Thereafter, on informing senior officers, they reached the spot where they met Sumit alias Gurjit Singh and when they were about to enter his flat, he brought one stick from inside and raised alarm by shouting and called other persons on his mobile phone. Thereafter, the aforesaid persons including the petitioner and 15-20 other persons who were armed with sticks and base ball bats with intention to obstruct the police party from performing their duty started beating them and thereafter Sumit gave a stick blow on his head with an intention to kill him and Jasraj Singh gave a sharp edged weapon blow on his right wrist. Other persons

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gave superficial injuries and held them in captivity inside the flat. Thereafter, the police from Police Station Dugri reached there and they escaped from the spot after making threats.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that offence under Section 307 IPC, was added on false grounds. He submitted that the petitioner has been named in the FIR as he is friend of co-accused Sumit whereas the petitioner was nowhere present near the place of alleged occurrence and was present with his friend in his house at a different place. He further submitted that as per the statement of the complainant ASI Ranjit Singh the police party came on a private vehicle and therefore, when the police had come in civil dress the said action would be suspicious. He further submitted that he is not involved in any other case and therefore, prays for the grant of anticipatory bail to the petitioner.

Per contra, Ms.Bhavna Gupta, learned DAG, Punjab, has submitted that the allegations in present case are very serious in nature and that it is a case where not only the petitioner but a gang of 15-20 persons on being caught by doing gambling attacked the police party and injured the police personnel on duty. She submitted that the police was in uniform and direct allegations have been attributed to the petitioner in the FIR itself. She further submitted that there is one sharp injury on the wrist, two blunt injuries on head and the police personnel were brutally beaten up by a gang of 15 to 20 persons together. She further submitted, on instructions, that

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even video clip was also available in this regard.

The learned State counsel has further submitted that it is a case where the police party on duty was not only brutally beaten by the accused but was also held in captivity. She submitted that custody of the petitioner is required for investigation of the case for many reasons including the recovery of weapons and the identification of participants and other members of the gang and therefore, has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties as well as the learned State counsel through video conference.

The allegations as contained in the FIR with regard to the beating of the police personnel on duty and holding them in captivity are certainly serious in nature. So far as the issue with regard to grant of anticipatory bail to the petitioner is concerned, the same can be considered in the light of other corroborative factors. The petitioner has been specifically named in the FIR and specific role has been attributed to the petitioner. As per the State counsel, the injuries to the police personnel are with both sharp weapons as well as blunt weapons and the episode has been videographed. The submission made by the learned State counsel that the custody of the petitioner is required not only for recovery of weapons but also for identification and apprehension of other accused who had participated in the offence, therefore, carries weight.

Therefore, considering the totality of the circumstances,

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I do not deem it fit and proper to grant the concession of anticipatory bail to the petitioner and the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

November 10, 2020.	JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No