

CRM-M-38238 of 2020(O&M)

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Sr.No.207

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

CRM-M-38238 of 2020(O&M)

Date of decision:27.11.2020

Charanjit Singh Grewal**... Petitioner(s)****versus****State of Punjab****... Respondent (s)****Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri****Present:** Mr. Manish Verma, Advocate
for the petitioner.

Mr. J.P.Ratra, DAG, Punjab

Through Video Conference**Jasgurpreet Singh Puri, J.(Oral)**

Present petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail in FIR No.,0194 dated 19.10.2020 registered under Sections 307, 353, 186, 342, 332, 506, 148, 149, 201 IPC and Sections 3, 67 and 13-A of the Punjab Gambling Act at Police Station Dugri, Police Commissionerate, Ludhiana (Punjab).

In the present case, the aforesaid FIR was lodged on 19.10.2020 on the basis of statement made by ASI Ranjit Singh, Incharge Chownki Basant Avenue, Police Station Sadar, Ludhiana that he had received secret information that one Sumit @ Gurjit Singh who was the main bookie in betting at Ludhiana and many other FIRs of betting are pending against the aforesaid bookie alongwith other persons namely, his brother Jasraj Singh(petitioner) whose other name is said to be Charanjit Singh Grewal and resident of LIG Flats, Near Gurudwara Sahib, Phase-1, Dugri, Sumit's

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nephew Roshan, Gurdip Singh son of Amrik Singh, Jassi, Ramu, Himanshu, Vikramjit Singh @ Tiger resident of Baba Deep Singh Nagar, and his brother Sonu, resident of CRPF Colony, Dugri, Ludhiana, Harsh and they are involved in betting at large scale in IPL matches on mobile phones and when they were betting in Mumbai vs. Punjab IPL Match on their mobile phone near Gurudwara Sahib, LIG Flats, Phase-1, Dugri, Ludhiana that they can be caught red handed if raid is conducted. Thereafter, the said ASI brought the same to the notice of senior police officials and then alongwith SC Gurpreet Singh, Constable Mehakdeep Singh, Constable Sukhpreet Singh on private vehicle went to conduct raid and for the purpose of help they informed the Police Station Dugri, Ludhiana. Thereafter, at around 9:15 PM when he alongwith other police officials reached near LIG Flat, Phase-1, Dugri, Ludhiana then suddenly outside the flat, one boy namely, Sumit @ Gurjit who disclosed his name on enquiring was there and when the police party tried to enter flat then he brought 'Danda' from inside and started created nuisance from his mobile phone and called on persons who called themselves as Sumit's brother Jasraj Singh(petitioner), Sumit's father Narinder Singh, Sumit's wife and sister, Sumit's nephew Roshan, Gurdip Singh son of Amrik Singh, Jassi and Ramu, Himanshu, Vikramjit Singh @ Tiger resident of Baba Deep Singh Nagar and his brother Sonu resident of CRPF colony, Dugri, Ludhiana, Harsh and other 15/20 unknown persons/ladies were holding sticks(Danda's) and baseball with an intention to stop them from performing duties and also with an intention to kill and by encircling them, started giving beatings to them using sticks and baseball bats and Sumit gave a danda blow on his head with an intention to kill and on his right wrist, his brother Jasraj Singh(petitioner) inflicted injury with sharp edged weapon and other persons also inflicted deep injuries and made

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them captive inside the Flat and when they saw the police party from police station Dugri had came then by giving them life threats fled from the spot.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case as he was never involved in the present incident. He has submitted that it was only because of the personal enmity with the complainant and the police officials of Dugri police station had implicated the present petition. Learned counsel has referred to Annexure P-2 dated 19.03.2020 which is an e-mail written by him to the DGP, Punjab Police and other senior police officials by submitting a complaint that when he went to Dugri Police Station, Ludhiana for some personal problem then the Santri stopped him and denied him permission to go inside and thereafter, police officials misbehaved with him and tried to threaten him for filing FIR and they pushed him outside the police station. He has further referred to Annexure P-3 which is a legal notice served by one Davinder Sharma who was the SHO, police station Dugri to the petitioner and some other persons calling for apology in writing and to withdraw the allegations leveled in the news item. He has further referred to Annexure P-4 which is an FIR lodged in Police Station Dugri against the petitioner with regard to his involvement in roaming during curfew without curfew pass and other allegations regarding misbehaviour by the petitioner. Learned counsel has further referred to Annexure P-5 which was another e-mail written by him to the DGP and various authorities in which it has been stated that he had protested against the switching of park lights but on doing so the police official misbehaved with him.

Learned counsel for the petitioner has submitted that it was because of this enmity with the police that the petitioner has been implicated in the present case. He has further submitted that co-accused Sumit has been

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granted regular bail by the learned Trial Court and anticipatory bail has been granted by this Court to Mandeep Kaur and Narinder Singh. He has submitted that even otherwise custodial interrogation is not required in the present case and therefore, he may be granted anticipatory bail.

On the other hand, learned State counsel has submitted that an affidavit has been filed by the State through e-mail due to proceedings being conducted by way of video conference. Print out of the same is hereby taken on record.

Learned State counsel while referring to an affidavit filed by the Assistant Commissioner of Police(South), Ludhiana has submitted that when the police party came at the spot then the petitioner and his accomplices started giving beatings to the complainant and other police employees with sticks and base balls and in order to kill the complainant, Sumit gave stick blow at the complainant's head and the present petitioner gave a blow of sharp edged weapon at the complainant which hit at his right wrist and the other persons also caused internal injuries. Thereafter, the petitioner alongwith his accomplices took the complainant in the room and confined the complainant there and when they saw that the police party from the police station Dugri has come then the petitioner and his accomplices went away by threatening the complainant. The complainant then got medically examined from the Civil Hospital, Ludhiana in which doctor has mentioned three injuries at the head, forehead and wrist of the complainant. Injury on wrist of the complainant caused by the present petitioner was caused with sharp edged weapon. Therefore, present FIR has been registered against the present petitioner apart from 12 other persons and also 15/20 unidentified men and women.

It is further stated in the affidavit filed by the State that on

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19.10.2020, complainant made a supplementary statement leveling allegations that at the time of occurrence, the present petitioner was having iron Kirch/Knife in his hand and in order to kill the complainant, the present petitioner had given blow of Kirch/Knife at the complainant's head but the complainant raised his arm to save his head as a result of which the blow hit at the right wrist of the complainant. The complainant has further stated in the supplementary statement that the wife of the petitioner namely, Renu gave slap blows at the complainant's face and the petitioner's son tried to kill the complainant by putting Parna/Towel in the complainant's throat and pressed it, petitioner's mother Davinder Kaur gave slaps at the complainant's face, petitioner's father Narinder Singh was instigating the other accomplices of the petitioner and that today the complainant be not let go alive and he also gave fist blows at the complainant. Mandeep Kaur wife of accused Sumit and his sister Deepika Chawla gave chappal blows at the complainant. Roshan Chawla kept on holding the complainant and Vicky caused beatings to the complainant with baseball. Gurdeep Singh gave fist blows at the complainant, Sahil Gulati gave kick blows at the complainant. Thereafter, they kept other police officials outside the flat. After committing the said murderous attack on the complainant and overpowering the complainant and other police officials, the petitioner and his co-accused took the complainant in a room and badly caused beatings to the complainant by humiliating him and the petitioner and his co-accused prepared video recording of the same in their mobile phones and thereafter, flashed the same on social media and the same has been taken by the police in a pen drive and photographs of the same have also been taken into possession by the police. It is further stated in the affidavit that the petitioner gave Kirch/Knife blow towards the head of the complainant in order to kill the

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complainant but timely the complainant raised his hand which hit at the right wrist of the complainant. Thereafter, took the complainant in a room inside their flat and caused beatings to the complainant one-by-one with slaps, fists and badly humiliated the complainant which can be seen from the video recording. The other accomplices of the petitioner kept retained the other police officials outside their flat and in this way they all caused obstacles in the performance of the official duties of the complainant and other police officials. Furthermore, it has been stated in the affidavit that at that time the petitioner and other accomplices were gambling on the IPL match between Mumbai vs. Punjab and they were having huge amount of gambling and other gambling material including mobile phones and therefore, by committing the said murderous attack and restraining the police officials from performing their duties, the petitioner and his accomplices destroyed and sent away the said gambling material and huge gambling amount. Therefore, offence under Section 201 IPC was added. Furthermore, petitioner is a habitual offender and he had created obstacles in the performance of duties by the PCR employees and had also quarreled with the SHO, at Dugri Police Station.

Furthermore, it has been stated in the affidavit that the petitioner used to tell his own as well as his father's name differently. In the present petition, the petitioner has mentioned his father's name as "Niranjan Singh" whereas in the earlier petitioner which was filed by the petitioner before this Court bearing CRM-Mf -20381 of 2015 wherein the petitioner has mentioned his father name as "Narinder Singh". Apart from it, earlier the petitioner had filed two complaints dated 10.02.2019 at Police Helpline No.181 in which the petitioner has mentioned his father's name as "Nachhatar Singh". Apart from the same, the petitioner had also moved e-

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vide Annexures P-2, P-5 and P-6 and in all these emails/representation, the petitioner has mentioned his name as "Jasraj Grewal". After inquiry by the police with regard to the emails of the petitioner it was revealed that such emails/representation were made falsely to create false defence and the aforesaid inquiry report was also examined and verified by the deponent, thereafter, by the ADCP-2 and finally the same has been approved as well by the Joint Commissioner of Police, Ludhiana.

Further, it has been stated in the affidavit that out of total 18 nominated accused, 4 accused have been arrested on 19.10 and 31.10.2020 and weapons of offence i.e. stick, Parna and baseball have been got recovered under Section 27 of the Evidence Act by accused Gurjit Singh and Harmanjit Singh. In order to recover the weapon of offence i.e. Kirch/Knife and to recover the gambling material, gambling amount, mobile phones used in the gambling and the modus operandi of the entire crime, custodial interrogation of the petitioner is very much required by the police.

Learned counsel for the State has further stated that anticipatory bail application of co-accused of the petitioner namely, Harwinder Singh @ Ramu has been dismissed by this Court in **CRM-M-36815 of 2020** titled ***Harwinder Singh @ Ramu vs. State of Punjab*** vide order dated 10.11.2020. Learned State counsel has further submitted that so far as the grant of regular bail to Sumit and anticipatory bail to Mandeep Kaur and Narinder Singh are concerned, the petitioner cannot claim parity so far as those cases are concerned as the role attributed to the Sumit although one of the prime accused was Danda blow and in the present case Kirch/Knife and other gambling materials is required to be recovered from the petitioner and so far as case of Mandeep Kaur and Narinder Singh are concerned there was no direct role attributable to them in the FIR besides their presence. Learned

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State Counsel further submitted that the case is at the investigation stage and recovery is yet to be made. He has further submitted that it is a very serious matter wherein police personnel have been attacked by a gang of large number of people on being caught doing gambling have attacked police party and injured police personnel on duty. He has further submitted that even video clips was also available in this regard showing the involvement of the petitioner. It has been further submitted that the police party was not only brutally beaten but they were kept in captivity and therefore, the custody of the petitioner is needed for investigation of the case for many reasons including the recovery of weapons and identification of other accused as has been submitted in the affidavit filed by the Assistant Commissioner of Police, Ludhiana.

I have considered the submissions made by learned counsel for the parties. The allegations against the petitioners are *ex facie* serious in nature. The police is in possession of video clipping which shows presence of petitioner and other co-accused. The allegation qua the petitioner is that he attacked police party with datar/kirch which is yet to be recovered and after incident, the police party was kept in captivity. The allegations that a large group of people attacked complainant and police party and beaten them up brutally needs to be thoroughly probed. The other co-accused are yet to be identified. Therefore, submissions made by learned State counsel does carry weight especially that in case the petitioner is granted bail, there is likelihood that he will influence witnesses and temper evidence.

Therefore, considering the totality and circumstances of the case, I do not deem it fit and proper to grant concession of anticipatory bail to the present petitioner. Present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as

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an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

27th November, 2020

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

[JASGURPREET SINGH PURI]
JUDGE