

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

CRM-M-55384-2019 (O&M)

Date of decision: 30.01.2020

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Anandeshwar Gautam, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Vivek K. Thakur, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Satnam Singh, an accused in FIR No.236 dated 23.08.2019 for offences under Sections 186, 353, 379-B and 506 IPC, registered with Police Station City Kapurthala.

Briefly stated facts of the case as per prosecution version are that FIR in question was registered on the basis of statement of complainant Jugraj Singh son of Rabinder Singh, resident of Staffwali Gali, Nakodar, District Jalandhar, wherein, he stated that he has been working as Deputy Director at Krishi Vigyan Kender, Kapurthala and is Head of the Department; that several employees are working under

his control; that the department is carrying on agricultural work and research. On 22.08.2019 at about 11.00 before noon, he along with his subordinate Amito Sulahria was inspecting the research centre and when they approached the gate of research centre, they observed that Satnam Singh son of Harbhajan (present petitioner) was sleeping in the adjoining room being on duty at that time; that when he woke him up, he told him that he was negligent in performance of his work, directing him to resume his duty immediately; that thereafter, the complainant along with Amito Sulahria proceeded to inspect the farms asking Amito Sulahria to bring plain paper from the office and when Amito Sulahria went to get the paper then Satnam Singh came there. The complainant was holding Tablet make Dell in which he had kept all his research work. Satnam Singh tried to snatch the Tablet from the complainant, to which the complainant resisted. Satnam Singh became aggressive. He picked up the rod lying nearby and attacked the complainant with an intention to kill him. The complainant saved himself by moving inside but he fell on the ground. Satnam Singh gave another blow while he was lying on the ground and he hit on his back. During the scuffle, Satnam Singh snatched the Tablet from the complainant and shirt of the complainant was torn. The complainant raised alarm which attracted Amito Sulahria. On seeing him, Satnam Singh tried to run away, throwing the rod towards the complainant, threatening that as complainant has sent many complaints against him to the higher officials and even on fateful day lodged another

complaint so next time, he would kill him in future. The complainant had received injuries on his neck and could breath with great difficulty. He was removed to Civil Hospital, Kapurthala, where he was medically treated and medico-legally examined. According to the complainant, Satnam Singh had earlier been negligent in his duty and the complainant had put him on notice dated 22.08.2019. Satnam Singh had attacked the complainant since he suspected that the complainant had videographed him while he was asleep. In that way, the accused had attacked the complainant who is a public servant on duty, interfering with his service. On the basis of such statement, formal FIR was registered.

Apprehending his arrest, petitioner Satnam Singh had approached the Court of Sessions, seeking pre-arrest bail but such petition was dismissed by Sessions Judge, Kapurthala, vide order dated 24.09.2019. Therefore, he has come to this Court, praying for grant of similar relief, which request is being resisted by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

Pre-arrest bail is a discretionary relief, which is to be granted in exceptional cases and not in routine. While considering the case of a person for grant of pre-arrest bail, all the facts and circumstances of the case including his conduct, previous antecedents and nature of the crime committed by him are to be seen. In this case,

the petitioner happens to be an employee under control of the complainant. In running proper and efficient administration, discipline has to be maintained. Nobody can be allowed to take law into his hands and to assault his senior officer. Such assault cannot be taken lightly, since if it is so done that would encourage the potential wrongdoers and they may think that after indulging in such type of assaults on their colleagues/senior officers, they can get away with impunity. The custodial interrogation of the petitioner is found to be necessary for detailed and effective investigation. If same is denied to the investigating agency that may affect the investigation adversely. Although, in this case, the petitioner has joined the investigation in terms of the order passed by this Court on 23.12.2019 but as stated by the State counsel, he has not cooperated with the investigating agency and has not disclosed the full facts within his knowledge. Considering all the facts and circumstances, no case for pre-arrest bail is made out. Accordingly, the petition is found to be without merit and is dismissed accordingly.

30.01.2020

sumit.k

(H.S. MADAAN)
JUDGE

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