

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

CRM-M-94-2021

Date of decision: 06.01.2021

Harpreet Singh alias Happy alias Amarbir Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0187 dated 07.10.2020, registered under Sections 186, 353, 223, 225, 148, 149 of the IPC at Police Station Sarai Amanat Khan, District Tarn Taran.

Learned counsel for the petitioner submits that as per the allegations in the FIR, a police party had gone to arrest one proclaimed offender, namely Shamsher Singh alias Shera, against whom some cases were pending and when the police party apprehended the said proclaimed offender, as per direction of the Court in FIR No. 24 dated 17.04.2013, under Section 27 of the NDPS Act, 1985, PS-Sarai Amanat Khan, his wife Rajwinder Kaur and his mother Bhajan Kaur raised *lalkaara* to catch hold of the police. Upon this, petitioner Harpreet Singh alias Happy alias Amarbir Singh armed with a *Gandassi*, Harman Singh @ Hammu armed with a *Dang*, Davinder Singh alias Binda armed with a hockey stick, Gobind Singh armed with a *Dang* and Mithu, who was empty handed, attached the

complainant party and succeeded in getting the said proclaimed offender released from the legal custody of the police.

Learned counsel further submits that allegations against the petitioner are that he was a member of an unlawful assembly, who had succeeded to get the aforesaid proclaimed offender released from the custody of the petitioner.

It is further submitted that the petitioner has been nominated as an accused in this FIR just because he is nephew of aforesaid proclaimed offender Shamsher Singh alias Shera and is residing in a house which is next to said Shamsher Singh's house.

Learned counsel for the petitioner further submits that there is no specific allegation against the petitioner and co-accused Rajwinder Kaur and Bhajan Kaur have already been granted concession of anticipatory bail by the Additional Sessions Judge, vide orders dated 15.10.2020 (Annexures P-2 and P-3), whereas the bail application of the petitioner has been dismissed.

Learned State counsel has opposed the bail on the ground that the allegations against the petitioner and other accused are serious in nature as they have not only restrained and obstructed the police party from performing their official duties as they had apprehended the aforesaid proclaimed offender, against whom, there are three FIRs, i.e. FIR No. 59/2019, under Section 379 IPC, FIR No. 62/2019 under Sections 380/457 IPC and FIR No. 24/2013 under Section 27 of the NDPS Act, but also succeeded in getting him released from police custody.

Learned State counsel further submits that if the petitioner is granted concession of anticipatory bail, it will promote such type of

incidents in the State.

After hearing learned counsel for the parties, without commenting on the merits of the case, considering the serious allegations against the petitioner, this Court finds no ground to grant concession of anticipatory bail to petitioner.

Accordingly, the present petition is dismissed.

06.01.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No