

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

CRM-M-392-2021 (O&M)
Date of decision: 07.01.2021

Satgur Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms. Manjot Kaur, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Satgur Singh, an accused in FIR No.105 dated 28.11.2020, for offences under Sections 353, 186 and 342 IPC, registered at Police Station Rureke Kalan, District Barnala.

Briefly stated facts of the case as per prosecution version are that, on 28.11.2020, a police party from CIA Staff, Barnala led by ASI Sarif Khan had conducted raid at house of Nirmal Singh @ Nimma son of Amarjit Singh, resident of Badra, at about 06.00 AM to arrest him in FIR No.120 dated 01.11.2020, for offences under Sections 399, 402 IPC, Section 25 of the Arms Act and Sections 21 and 25 of NDPS Act, registered at Police Station Bhadaur; accused

Nirmal Singh @ Nimma along with his brother Satgur Singh (present petitioner) and other family members were there at home; ASI Sarif Khan told Nirmal Singh @ Nimma to join investigation, then Nirmal Singh @ Nimma asked him to show his identity card, which ASI Sarif Khan did; Nirmal Singh @ Nimma took identity card of ASI Sarif Khan and entered into a scuffle with him; his brother Satgur Singh and bhua (paternal aunt) Lali pushed the members of police party and bolted the main gate of the house, confining them in the said house; they hurled abuses upon the police party; Nirmal Singh @ Nimma and Satgur Singh clicked photographs from their mobile phones, then Nirmal Singh @ Nimma asked Satgur Singh to remove the material; when the police party tried to stop Nirmal Singh @ Nimma, then Satgur Singh escaped by scaling roof after taking something from the store for chaff; hearing the noises, several people gathered at the spot; they opened the main gate of the house; Nirmal Singh @ Nimma and his 'bhua' Lali apprehended by the police party managed to escape from the spot; on matter being reported to the police, formal FIR was registered.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Barnala, seeking pre-arrest bail by moving an application in that regard. His such application was, however, dismissed by learned Sessions Judge, Barnala, vide order dated 23.12.2020. Feeling aggrieved, the petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab accepts notice on behalf of the State and opposes the bail.

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

The petitioner is named in the FIR and there are specific allegations of his having assaulted the police personnel, who were on duty and causing hindrance in discharge of the official duties of such police personnel. Then, there are also allegations of Satgur Singh having escaped from the house along with some suspicious material, which could possibly be contraband. Custodial interrogation of the petitioner is found to be necessary for complete and effective investigation, so as to find out as to what material had been taken away by him from the house when the police party had conducted raid at their residential house. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Furthermore, the seriousness and gravity of the allegations of petitioner along with his co-accused having assaulted public servants on duty and causing obstruction in discharge of their official functions do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner. The recovery of the material/goods said to have been taken away by him from the house after the raid by the police party is also to be effected. As regards, grant of pre-arrest bail to Manpreet Kaur @

Lali, a co-accused of the petitioner, that was for the reason that she happened to be a female and role played by her in the incident was quite less than that of the present petitioner.

Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

07.01.2021

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(H.S. MADAAN)
JUDGE

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