

CRM-M No.3851 of 2021
Date of Decision : 28.01.2021

Balwinder Singh

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr.Ritesh Pandey, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G., Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C., is for grant of pre arrest bail to the petitioner in case FIR No.82 dated 08.09.2020 registered under Sections 186, 353 and 427 IPC at Police Station Kotli Surat Mallian, District Batala.
3. Learned counsel contends that the petitioner has been falsely implicated in the aforementioned case and that he is not involved in the incident as alleged, that the petitioner was granted interim pre-arrest bail by the learned Addl. Sessions Judge, Gurdaspur vide order dated 11.11.2020 and that as per the arrest-cum-intimation memo and personal bonds dated 15.11.2020, the name of the petitioner has been mentioned as Lakhwinder Singh @ Balwinder Singh son of Balbir Singh @ Dalbir Singh, resident of village Gowara, Police Station Kotli Surat Mallian, District Batala, whereas the name of the petitioner is Balwinder Singh.

4. Notice of motion. Learned Addl. A.G., Punjab accepts notice and

vehemently opposes the grant of prayer of anticipatory bail. Learned Addl. A.G., Punjab contends that the aforementioned FIR was registered on the statement of *ASI Gurpreet Singh*, of Police Station Kotli Surat Mallian, District Batala, against the petitioner and others, that on 08.09.2020, while he along with other police officials were present for patrolling duty in the area of Village RansikeTalla secret information was received that Lakhwinder Singh son of Dalbir Singh, Joginder Singh son of Dalbir Singh and Dalbir Singh son of Mudi Singh, residents of village Gowara were selling illicit liquor from their home, whereupon police party reached village Gowara, but on seeing the police party the aforementioned accused along with some unidentified persons gathered there raised *lalkarato* teach a lesson to the police party and started throwing bricks on the police vehicles on account of which left side glass of police vehicle bearing No.PB-06-V-9192 was broken, that on the police party chasing the accused, the accused fled from the place of incident. Learned Addl. A.G., Punjab further contends that in fact, the petitioner-accused Balwinder Singh is also known as Lakhwinder Singh, and it is for the said reason that the petitioner never objected to the details, as mentioned in the arrest-cum-intimation memo etc at the time of affixing his signatures on the aforementioned memo, nor is it his stand that he has any other brother by the name of Lakhwinder Singh.

5. I have considered the submissions of learned counsel for the parties.

6. As per the allegations in the FIR, the petitioner and other accused were booked in the instant case under Sections 186, 353 and 427 IPC on account of serious allegations of having attacked a police party and throwing brick bats in connivance with each other, to thwart attempts of the

police to seize illicit liquor, resulting in breaking of the left side glass of police vehicle bearing No.PB-06-V-9192, repair of which entailed expenditure of Rs.26,145/-, besides as recorded in the order of the learned Additional Sessions Judge, Gurdaspur the photographs of the aforementioned police vehicle show that it was very badly damaged. Accordingly, taking into account all aspects of the matter, I am of the considered view that no case whatsoever is made out for interfering with the order, passed by the learned Addl. Sessions Judge, Gurdaspur rejecting the petition under Section 438 Cr.P.C. Custodial interrogation of the petitioner is required to ascertain the names and identity of all the accused, who were involved in the commission of the offence besides recovery is to be made of the illicit liquor which was secreted away under the smoke screen of attack on the police party.

7. Accordingly, finding no merit in the petition for grant of anticipatory bail, the same is ***dismissed***. However, nothing stated hereinabove, shall be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

January 28, 2021

'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No