

CRM-M No.3855 of 2021

Date of Decision : 28.01.2021

Sukhbir Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr.Veneet Sharma, Advocate
for the petitioner.

B.S. Walia, J. (VC)

1. Prayer in the petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is for grant of anticipatory bail / advance notice in writing under Section 160 Cr.P.C. in case the petitioner is required for any inquiry/investigation.

2. Learned counsel contends that on haul of about 532 kgs of heroin at the Indo-Pak Border in July, 2019 and arrest of Ranjit Singh @ Cheeta, brother of the petitioner Iqbal Singh was implicated in said case leading to the police locking his parents house but on his mother filing CWP No.35520 of 2019 i.e. "**Kashmir Kaur v. State of Punjab and another**", keys of his parents house were handed over to the counsel on 10.02.2020.

3. Learned Counsel contends that the petitioners brother i.e. Iqbal Singh was implicated in another FIR No.135 dated 25.04.2020 registered under Sections 10, 11, 13, 17, 18, 20 and 21 of the Unlawful Activities (Prevention), Act, 1967 at Police Station Sadar, Amritsar against one Bikram Singh @ Vicky and Maninder Singh and Mani on their arrest.

4. Learned counsel contends that the petitioner is married and has

a one year old child while his father is a farmer having about 18 acres of land and is also working as a Commission Agent, whereas his brother i.e. Iqbal Singh is unmarried and is residing separately since long and the petitioner and his family members do not have any contact with him, but after the registration of the aforesaid FIR's and implication of his brother in the same, the police is repeatedly raiding the house of the petitioner and at one point of time, the father of the petitioner was also taken away by the police and kept him in illegal custody from 10.07.2019 to 21.07.2019 and was released only on the intervention of respectable members of society.

5. Learned counsel contends that in similar circumstances, one Gagandeep Singh @ Bhola, brother of aforesaid Ranjit Singh @ Cheeta was also involved in the aforementioned cases and on account of harassment faced at the hands of the police, the father-in-law and sister-in-law of Gagandeep Singh @ Bhola approached this Court vide CRM-M No.14594 of 2020 in case titled as "Kulwinder Kaur and another v. State of Punjab and others" and the same was disposed of by directing that in case the petitioners therein were required to be associated with any inquiry or any information was to be elicited from them, then a prior written notice of not less than three days be afforded to them. Learned Counsel contends that likewise, one Gursant Singh son of Dilbagh Singh was also involved in the aforementioned FIRs and the police started harassing his parents and other family members, as a result of which the parents of Gursant Singh filed CRM-M No.16251 of 2020 in case titled as Hardial Kaur and others v. State of Punjab and others leading to order dated 24.06.2020 being passed in CRM-M No.16251 of 2020 on similar lines as in CRM-M No.14594 of 2020.

6. Learned counsel contends that the petitioner is absolutely innocent and has got nothing whatsoever to do with his brother or the accused persons named above but is being harassed by the police, therefore, protection be granted that in case the police requires the petitioner to join investigation, he be given advance notice in writing.

7. Notice of motion.

8. On the asking of the Court, Mr. Hittan Nehra, Addl. A.G., Punjab accepts notice on behalf of the respondents and on instructions from ASI Sukhwinder Singh states that at present, no case is registered against the petitioner.

9. Accordingly, in the light of the position as noted above and without commenting upon the veracity of the averments made in the petition, the same is disposed of by directing respondent Nos. 3 & 4 i.e. Commissioner of Police, Amritsar, District Amritsar and Senior Superintendent of Police, District Tarn Taran that in case the petitioner is required to be associated with any enquiry or any information is to be elicited from him then prior written notice of not less than three days be issued to him before summoning him. It is, however, made clear that the aforesaid order does not confer any kind of immunity upon the petitioner in case it is found that he is involved in any wrong-doing.

10. Petition stands ***disposed of*** with the aforesaid directions.

(B.S. Walia)
Judge

January 28, 2021

'Rajneesh'

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