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

CRM-M-20125-2021

Date of decision : 20.05.2021

Gurpreet Singh @ Karcho and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Pardeep Singh Mirpur, Advocate for the petitioners.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The petitioners seek grant of anticipatory bail in FIR No.20 dated 07.04.2020 registered under Sections 353, 186, 188, 269, 270, 148, 149, 506, 427, 324 of the Indian Penal Code, 1860 and Section 51 of Disaster Management Act, 2005 at Police Station Kotfatta, District Bathinda.

Counsel has submitted that there are no specific allegations against the petitioners and no injury as such has been attributed to the petitioners.

A perusal of the FIR would go on to show that a call was received from Harwinder Singh at night that 15-20 unidentified men and women including the Ex-Sarpanches armed with daangs, sticks and were

raising lalkaras in front of the house and breaking the gates. The Police party had reached at the spot and informed the gathering about imposition of the Curfew due to Corona virus at night time through the speaker of official vehicle. Instead of disbursement the crowd, rather started throwing bricks at the police party and started scuffling with the police officials by pulling the uniforms and throwing the bricks at the police party. The SHO had to take the rifle from his gunman and fire three shots in the air to disburse the gathering.

The anticipatory bail applications of the petitioners had thus been dismissed by different orders dated 22.04.2020 (Annexure P-2), 24.04.2020 (Annexure P-3) and 04.06.2020 (Annexure P-4). In spite of period of almost an year having gone by since the anticipatory bail applications had been dismissed, the petitioners have not surrendered as such and have not been taken into custody since then and, therefore, the investigation as such has been held up on this account.

The arguments as such which are raised that the petitioners are not specifically named and there is no specific attribution, are without any basis. The Police party as such had to deal with an unruly mob at 11:00 at night and, therefore, specific role as such of each unknown individual could not have been specified in the FIR itself. The attitude of the general public against Government officials who are carrying on with their duty to control COVID-19 is of that of cocking a snook and cannot be approved in any manner. The said Government officials have been risking their life to control this pandemic and the persons who do not respect such restrictions cannot claim the benefit of concession of anticipatory bails.

In such circumstances, this Court is of the opinion that no ground as such is made out to entertain the anticipatory bail application of the petitioners being part of the mob.

Resultantly, the present petition is dismissed.

20.05.2021

Pawan

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No