

CRM-M-24379-2021 and
CRM-M-24597-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24379-2021
Date of decision: 02.07.2021

(I)
Lehri Singh @Mantar Singh

.....Petitioner (s)

V/s.

State of Punjab

.....Respondent(s)

CRM-M-24597-2021

(II)
Sukhjiwan Singh and another

.....Petitioner (s)

V/s.

State of Punjab

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balbir Kumar Saini, Advocate, for the petitioner
in CRM-M-24379-2021.

Mr. Jaspreet Singh Brar, Advocate, for the petitioners
in CRM-M-24597-2021.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI, J.

Both these two petitions are taken up together since the same are
arising out of the same FIR.

Criminal Miscellaneous No. 24379 of 2021 has been filed by one
Lehri Singh @ Mantar Singh. Criminal Miscellaneous No. 24597 of 2021 has
been filed by two petitioners namely, Sukhjivan Singh and Manpreet Singh. In

the case pertaining to Lehari Singh @ Mantar Singh i.e. Criminal Miscellaneous No.24379 of 2021 when notice of motion was issued on 30.06.2021, learned counsel for the petitioner had submitted that the name of the person listed as accused No.13 in the FIR happened to be Lehri Singh but the actual name of the petitioner is Mantar Singh. Therefore, the State counsel was directed to clarify the position from concerned official.

Today, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab on instructions from SI Gurbax Singh stated that the person who has been named in the list of accused at Serial No.13 in the FIR and the petitioner are one and the same person. Therefore, the plea taken by the learned counsel for the petitioner with regard to the identity is not sustainable.

Coming on the merits of the case, as per the FIR, which has been lodged on the basis of a statement made by ASI Raj Singh by stating that he is posted at Smalsar Police Station and on 22.05.2021, the Head Munshi informed him telephonically that one complaint has been received from one complainant namely Gurwinder Singh @ Gora son of Milkha Singh against one Satnam Singh son of Gurdev Singh that the aforesaid Satnam Singh along with 15 to 18 persons holding Kahi, baseball and many other deadly weapons have attacked the house of the complainant and the police should reach immediately for further action. Upon the same, the ASI Raj Singh along with PHG Tarsem Singh reached the spot at Village Vairoke in the private car driven by driver Gurmit Singh and on the spot 15 to 18 persons with deadly weapons were standing in front of house of Baba Gurpreet Singh, resident of Sekkan Kalan, now resident of Vairoke, who is now residing in the house of Satnam Singh Vairoke to whom the aforesaid police officials have stopped

from quarreling. These above stated persons started opposing them and out of them, one accused Satnam Singh son of Gurdev Singh, Hardeep Singh, Arshdeep Singh, Binder Pal Singh and Amandeep Kaur and along with them Robin, Romi, Sunny, Sahota, Manpreet Singh (petitioner), Gurwinder Singh, Jeewan Singh (Sukhjiwan Singh petitioner) and Lehri Singh (petitioner) and 4-5 other unknown boys who were from Faridkot suddenly started talking loudly with them in aggression and Satnam Singh who while talking with them came in aggression hit back side on the head of ASI Raj Singh with Kahi with an intention to kill him and said in the loud voice that catch hold of these Police officials and let these policemen know how to scuffle with Faridkotlas and Robin and Romi etc. manhandled him, tore down his uniform and with an intention to kill him, attacked him with baseball, sticks etc. and when PHG Tasem Singh rescued him then all these persons gave injuries and tore down the uniform and snatched their mobile phone and caused serious injuries on his person also on the right elbow and then Ram Singh son of Nirmal Singh, resident of Mour Nu came to help them and the above persons gave injuries to him also with their weapons. Thereafter, on seeing the gathering of people on the spot, all the aforesaid persons along with respective weapons fled away from the spot while damaging the car with baseball. Thereafter the injured were admitted to hospital.

Learned counsel for the petitioners in both the petitions have submitted that the petitioners have been falsely implicated in the present case and although they are named in the FIR but as per FIR, there is no injury attributable to them. Both the learned counsels submitted that at the most the injuries were attributable to Satnam Singh, Robin and Romi and nothing was

attributable to the petitioners. They submitted that since the petitioners have been falsely implicated in the present case, they may be considered for the grant of anticipatory bail.

On the other hand Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has vehemently opposed the grant of anticipatory bail to the petitioners. He has submitted on instructions that it is a case where a gang of about 15 to 18 persons holding dangerous weapons including Kahi, baseball and other such like weapons attacked the police party, who had come on the spot on the basis of information given to ASI Raj Singh by one Gurwinder Singh that these group of persons are going to attack him and while performing their duties these police officials reached the spot, so that the crime may not be committed. However, when these police officials reached the spot, they were attacked collectively by all the accused named in the FIR and consequently, the accused caused serious injuries on three persons including two policeman. He submitted that ASI Raj Singh suffered two injuries on head, PHG Tarsem Singh suffered two injuries, one on the right shoulder and one on the head and other third person Ram Singh suffered four injuries as per the MLR. The learned State counsel further submitted that it was a gang attack by a group of 15-18 persons and that too on police officials, who were performing their duties and they suffered injuries due to the attack by a group of people and, therefore, the present case is no less than a heinous crime. He submitted that even the car on which the policemen had come was also damaged and the mobile was also snatched. The State counsel further submitted that the argument advanced by the learned counsel for the petitioners that no injury has been attributable to the petitioners is not sustainable in view

of the fact that the action was done as a full fledged gang and as per the FIR itself, it has been stated that all of them had attacked. He further submitted that investigation of the case is still going on. He further submitted that weapons are yet to be recovered and out of the total 14 to 18 persons only four have been arrested and the remaining accused persons including the petitioners are absconding and, therefore, the plea of the petitioners is not sustainable.

I have heard the learned counsel for the parties.

As per the FIR, a gang of persons had allegedly attacked the police party consisting of two officials and as stated by the learned Deputy Advocate General, Punjab, injuries were sustained by the police officials as well as one private person. The plea taken by the learned counsel for the petitioners that in the FIR nothing has been mentioned that they have caused injuries would also not be sustainable in view of the fact that allegedly it was a collective action and as per State counsel, all the persons had attacked together. Furthermore, the plea which was taken by one of the petitioner namely Lehri Singh @ Mantar Singh that he was not the actual person, who has been named in the FIR is also not sustainable in view of the fact that learned Deputy Advocate General, Punjab has taken categorical instructions from the police by verifying the same that the petitioner whose name is mentioned as Lehri Singh @ Mantar Singh is the same person, which has been mentioned serial No.13 of the list of accused in the FIR. The weapons in the present case are yet to be recovered and only four persons have been arrested in the present case. Going by the allegations, the subject matter of the present case is of high magnitude. When 15 to 18 persons allegedly formed a gang and attacked the police officials who were performing their official duties, the same

can certainly fall under the category of serious and heinous offence. The weapons in the present case are yet to be recovered and only four persons have been arrested. Going by the allegation, the subject matter of the present case is of high magnitude when 15 to 18 people allegedly from the gang attacked the police officials who were performing official duties. The gravity of offence in the present case would dis-entitle the petitioners from the grant of anticipatory bail.

Therefore, without commenting on the merits of the present case no ground is made out for interference for grant of anticipatory bail to the petitioners.

Consequently, both the petitions are hereby dismissed.

However, it is made clear that aforesaid observations of this Court are only for the purpose of deciding the present petitions and will not in any manner whatsoever reflect on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

02.07.2021
rakesh

whether speaking : Yes/no
whether reportable : Yes/no