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

CRM-M-41450-2021

Date of decision : 04.10.2021

Dalbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kanav Bansal, Advocate for
Mr. H.S. Mann, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.220 dated 28.08.2021 registered under Sections 420, 199, 200, 120-B of the Indian Penal Code, 1860 at Police Station Beas District Amritsar Rural.

Learned counsel for the petitioner has submitted that in the present case, the custodial interrogation of the petitioner is not required inasmuch as the entire case is based on the documentary evidence and in fact, the present FIR has been registered on account of fight between two brothers i.e. Baljit Singh son of Saroop Singh and the present petitioner and the complaint has not been made by the Electricity Department.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and is fully prepared to argue this matter.

Learned counsel for the State has submitted that in the present case, on the basis of the complaint and investigation by the police, it has been found that the present petitioner in collusion with one Dalbir Singh son of Bahadur Singh, who is a retired Army Officer, had got issued a tubewell connection from the Army Quota in the land of the petitioner, although, the said Dalbir Singh son of Bahadur Singh has no land of his own. In the present case, it has been found that even the Junior Engineer-Madan Lal is also involved. Merely the fact that the complaint has not been made by the Electricity Department but has been brought to the notice of the police authorities by the brother of the petitioner, would not help the petitioner inasmuch as, the matter has been enquired into and it has been found that the petitioner by submitting false and fabricated documents was able to obtain the said connection. It is stated that the custodial interrogation of the petitioner is required in the present case as the petitioner is a beneficiary and the main accused and does not deserve the concession of anticipatory bail.

This Court has heard the learned counsel for the parties.

As per the prosecution case, the petitioner in collusion with one Dalbir Singh son of Bahadur Singh, who was a retired army man, had got issued the tubewell connection from the army quota on the land of the petitioner in spite of the fact that the petitioner was not an army officer and the said Dalbir Singh son of Bahadur Singh had no land. Although, the complaint has been made by brother of the petitioner but after investigation,

it has been prima facie found that the offence has been made out and in fact, even the employee of the Electricity Department i.e. Junior Engineer-Madan Lal is also an accused in the present case.

Keeping in view the abovesaid facts and circumstances, the petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

04.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No