

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision: 11.3.2022

1. CRM-M-30306 of 2018
Ajit Singh and another vs State of Punjab
2. CRM-M-34091 of 2018
Nirmal Singh and others vs State of Punjab
3. CRM-M-37079 of 2018
Satinder Singh @ Sonu and another vs State of Punjab
4. CRM-M-11430 of 2017
Satinder Singh vs State of Punjab and others
5. CRM-M-12461 of 2018
Satinder Singh vs State of Punjab and others
6. CRM-M-26069 of 2018
Satinder Singh vs State of Punjab and others

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Rahul Bhargava, Advocate, for the petitioners
Mr. Rana Harjasdeep Singh, DAG, Punjab
Mr. Ritesh Pandey, Advocate, for the complainant

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AMOL RATTAN SINGH, J. (Oral)

CRM-M nos. 30336, 34091 and 37079 of 2018

Vide these petitions, the petitioners therein seek to be admitted to anticipatory bail, upon FIR no. 6, dated 10.2.2017, having been registered at Police Station City Qadian, District Gurdaspur, alleging therein the commission of offences punishable under Sections 323/324/326/506/148/149 of the IPC.

The matters have remained pending for more than 3 years now, with arguments eventually addressed by all counsel.

Learned counsel for the petitioners in these petitions submits that though an earlier petition filed by some of the petitioners, i.e. CRM-M

no.11213 of 2017, was dismissed by this court on 3.4.2017, however, thereafter a Deputy Superintendent of Police had found the petitioners to be innocent but after which an SIT was constituted in which the petitioners have again been arraigned as accused; and therefore they have filed these petitions seeking to be admitted to anticipatory bail.

On 1.8.2018, notice of motion had been issued in CRM-M no.30306 of 2018 by this court (coordinate bench), with the arrest of the petitioners therein having been stayed.

Similar orders were passed in the other two petitions also, which continue to operate till today.

Today, Mr.Pandey, learned counsel appearing for the complainant in the FIR, submits that these petitions in fact are not maintainable once this court had already expressed its opinion on merits that it was not inclined to entertain a petition seeking anticipatory bail, in view of the fact that the petitioners and their co-accused are alleged to have attacked the complainant and others with swords etc., as recorded in the order dated 3.4.2017, passed in CRM-M no.11213 of 2017.

Whereas I would agree with that contention completely, however upon query to learned State counsel, he points to the affidavit dated 26.11.2021, filed by the SSP, Police District Batala, in which, after giving the details of the investigation, eventually it is stated as follows:-

“The case is under investigation with ASI Sarwan Singh, Investigating Officer, PS Qadian, and the custodial interrogation of the petitioners of CRM-M no.30306 of 2018, CRM-M no.34091 of 2018 and CRM-M no.37079 of 2018 is

not required by the investigating officer of the case FIR no. 06 dated 10.02.2017.”

At the end of the affidavit, though it is stated that the petitions may be dismissed, yet, even as per instructions of learned State counsel, as has also been stated by the SSP, the custodial interrogation of the petitioners is not required at this stage at least.

That being so, even in terms of the judgment of the Supreme Court in M.C.Abraham versus State of Maharashtra, (2003) 2 SCC 649, in fact there would be no cause to further continue with these petitions despite the opposition of learned counsel for the complainant, and consequently they are disposed of as are having been rendered infructuous in view of what is stated in the SSPs' affidavit.

All affidavits filed in these petitions as had not already been taken on record, are ordered to be taken on record.

CRM-M nos.11430 of 2017 and 12461 of 2018

By these petitions, the petitioner in CRM-M no.11430 of 2017 seeks issuance of necessary directions to respondents no.2 and 3 to protect his life and liberty at the instance of respondents no.4 to 11.

He further seeks a direction to transfer the investigation in FIR no.62, dated 24.2.2017, registered at Police Station Division-A, Amritsar City, alleging therein the commission of offences punishable under Sections 323/341/506/148/149 of the IPC (with Sections 307/325 of the IPC having been added later).

He also seeks issuance of appropriate directions that a status report be submitted with regard to the FIR (Annexure P-1).

In CRM-M no.12461 of 2018, he seeks issuance of necessary directions to respondent no.2 to issue 'immediate necessary directions' to respondent no.3 to not conduct an impartial/one sided enquiry at the instance of accused persons in the aforesaid FIR no.62, dated 24.2.2017.

Learned State counsel points to the affidavit dated 8.2.2022, filed by the DCP Detective, Amritsar City, in which it is stated in paragraph 5 that an 'untraced' report has already been submitted as regards this FIR before the competent court and that proceedings before that court, including as regards a protect petition, were pending for 8.3.2022 at that stage.

That being so, obviously the petitioner has his remedies against any such report filed before the competent court and I would see no reason to entertain these petitions any further, which are consequently disposed of, with liberty to the petitioner to avail of his remedy before the competent court.

It is to be noticed however that learned counsel for the petitioners in these petitions has drawn attention of this court to the order dated 23.3.2018 passed by this court (coordinate bench), wherein while issuing notice of motion in CRM-M no.12461 of 2018, the contention of learned counsel had been noticed as regards the enquiries conducted (with Mr.Bhargava today submitting that actually no enquiry was conducted and the AIG concerned had been summoned to court).

Even so, no order observing anything on the merits of the investigation having been passed thereafter, (other than noticing the contentions of learned counsel), and with a report having been now filed

before the competent court, I see no reason to entertain these petitions.

Disposed of as already stated above.

CRM-M no.26069 of 2018

This petition has also been filed by the same petitioner who has filed CRM-M-11430-2017. Vide this petition he seeks that the report prepared by the SHO, Police Station Kadian, District Batala, be set aside as it ignores the report filed by the Deputy Superintendent of Police, Kadian.

He further seeks a direction to the DGP, Punjab, to stay operation of the enquiry conducted at the instance of those accused in FIR no.62, dated 24.02.2017, registered at Police Station Division-A, Amritsar City (as already referred to in the context of CRM-M-11430-2017 and CRM-M-22461-2018).

A detailed affidavit with the regard to the said FIR no.62, dated 24.02.2017, (alleging therein the commission of offences punishable under Sections 323/341/506/148/149 of the IPC, with Sections 307/325 of the IPC having been added later), having been filed by the DCP Detective, Amritsar City, stating that an untraced report has been filed, I would see no reason to continue with this petition either, which is also disposed of in the same terms as the other two petitions herein above, but with this court not having made any observation on the actual merits of the case, that being left to the competent court to decide in terms of the report submitted and any protest petition filed thereafter.

A photocopy of this order be also placed on the files of the other connected cases.

11.3.2022

(AMOL RATTAN SINGH)
JUDGE