

CRM-M-25536-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-25536-2021  
Reserved on: 04.08.2022  
Pronounced on: 24.08.2022

Karamjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Rai, Sr. Advocate with  
Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station               | Sections                                                      |
|---------|------------|------------------------------|---------------------------------------------------------------|
| 0052    | 03.05.2021 | Badhni Kalan, Distt.<br>Moga | 306 IPC (Sections 3 & 4 of SC/ST<br>Act, 1989 added later on) |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner, who was posted as SHO, pressurized his subordinate ASI Satnam Singh (Deceased) to get a sum of Rs. 50,000/- in lieu of finalizing the cancellation report. However, the ASI Satnam Singh got perturbed, refused to obey the petitioner, and informed his son about everything. On this, he started harassing and abusing and kept under constant pressure to get money. Unable to bear the pressure, ASI Satnam Singh committed suicide.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail. The contention of behalf of the complainant is that the petitioner is not entitled to any bail.

REASONING:

6. It would be appropriate to refer to the para 4 of the status report dated 05.07.2022, filed by the State, which reads as follows:

“.....4.That it is respectfully submitted that as per thereport No. 699/M-dated 30.06.2022obtained from the above mentioned SIT, brief facts of the case are that FIR No. 52 dated 03.05.2021 under Section 306 IPC (offences later on u/s 3/4 SC/ST Prevention of Atrocities Act & 7, 13 (1) (A) PC Act) was registered against the petitioner on the basis of statement of complainant Gurdeep Kaur wife of deceased ASI Satnam Singh that her husband Satnam Singh was working as ASI in Punjab Police and was posted at Police Post Lapon and that few days back, her husband told the complainant and her son Gurpreet Singh that SHO Karamjit Singh was forcing and pressurizing him to get Rs. 50,000/- for him in a case and said SHO used to abuse him as well. That in the morning of 03.05.2021 at about 06.15 AM, her husband Satnam Singh make a telephonic call to her son on his mobile phone No. 79866-54529 and told him that he was very upset and that SHO Karamjit Singh was harassing him a lot and was again and again demanding money and harassing him on this account and being fed-up of the harassments, he was ending his life because of this and that SHO Karamjit Singh of PS Badhni Kalan was responsible for his death. It is further stated by the complainant that they tried to make Satnam Singh understand and tried to stop him from doing so and she (complainant) along with her son went to Police Post Lapon where, she came to know that her husband Satnam Singh had fired on his head with some firearm and he had been taken to Civil Hospital for treatment and when the complainant and her son reached Civil Hospital, Moga, they found that dead body of her husband Satnam Singh was lying on a stretcher in emergency. This incident had taken place due to the harassments given to the deceased by SHO Karamjit Singh. A suicide note was also sent by her husband on the WhatsApp of said mobile phone No. 79866-54529.

SI Mangal Singh conducted initial investigation of the case who, got conducted post-mortem and handed over dead body to the hires. Then, SSP Moga, vide order No.1260-64/R-SSP dated 03.05.2021 had constituted a Special Investigation Team under the supervision of Superintendent of Police (Headquarters), Moga comprised of DSP (H) Moga and SHOPS City South, Moga as members of said SIT. On 04-05 2021, offence u/s 3/4 SC/ST Act was enhanced by the SIT vide GD entry No.29 dated 04.05.2021.”

7. There is no reason for false implication and the allegations are extremely serious given the petitioner’s position of SHO at that time. His cruel behaviour, arrogance, and constant pressure upon the deceased to do an act against his ethics and conscience, made him take away his life and does not entitle the petitioner to bail at this stage.

8. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

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9. In Gurbaksh Singh Sibbia v State of Punjab, 1980 (2) SCC 565, (Para 30), a Constitutional Bench of Supreme Court held that the bail decision must enter the cumulative effect of the variety of circumstances justifying the grant or refusal of bail. In Kalyan Chandra Sarkar v Rajesh Ranjan @ Pappu Yadav, 2005 (2) SCC 42, (Para 18) a three-member Bench of Supreme Court held that the persons accused of non-bailable offences are entitled to bail if the Court concerned concludes that the prosecution has failed to establish a prima facie case against him, or despite the existence of a prima facie case, the Court records reasons for its satisfaction for the need to release such person on bail, in the given fact situations. The rejection of bail does not preclude filing a subsequent application. The courts can release on bail, provided the circumstances then prevailing requires, and a change in the fact situation. In State of Rajasthan v Balchand, AIR 1977 SC 2447, (Para 2 & 3), Supreme Court noticeably illustrated that the basic rule might perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court. It is true that the gravity of the offence involved is likely to induce the petitioner to avoid the course of justice and must weigh when considering the question of jail. So also, the heinousness of the crime. In GudikantiNarasimhulu v Public Prosecutor, (1978) 1 SCC 240, (Para 16), Supreme Court held that the delicate light of the law favors release unless countered by the negative criteria necessitating that course. In Prahlad Singh Bhati v NCT, Delhi, (2001) 4 SCC 280, Supreme Court highlighted one of the factors for bail to be the public or the State's immense interest and similar other considerations. In Dataram Singh v State of Uttar Pradesh, (2018) 3 SCC 22, (Para 6), Supreme Court held that the grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously, compassionately, and in a humane manner. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.

10. In the light of ratio of the judicial precedents mentioned above, the petitioner's case does not fall in the category of cases where bail ought to be granted.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

12. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

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Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

24.08.2022  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.