

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

**Date of decision: 18.08.2022**

**(1) CRM-M-26097-2022 (O & M)**

Sandeep Singh @ Seepa .... Petitioner

V/s

State of Punjab ...Respondent

**(2) CRM-M-26215-2022 (O & M)**

Sikander Singh alias Mottu .... Petitioner

V/s

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. A.S. Barnala, Advocate,  
and Mr. Preetwinder Singh Dhaliwal, Advocate,  
for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

This order shall dispose of two connected petitions bearing  
CRM-M-26097-2022 and CRM-M-26215-2022.

The prayer in the present petitions under Section 439 Cr.P.C., is  
for the grant of regular bail to the petitioners in case FIR No.35 dated  
17.05.2022 under Sections 323, 341, 427, 506, 34 IPC and Section 3(1) of  
SC & ST (Prevention of Atrocities) Act, 1989 and Sections 325, 332, 353

District Barnala.

2. The brief facts of the case are that the statement of one Akashdeep Singh son of Malkiat Singh was recorded to the effect that he had joined the police department as a Constable. On 14.05.2022 at about 8.00 a.m., while he was going on his motorcycle (Delux) bearing registration No.PB-13AT-2720 and reached Mansa-Barnala Road, then Dilbagh Singh @ Bobby son of Bahal Singh (since granted the concession of interim anticipatory bail by this Court vide order dated July 13, 2022 passed in CRM-M-29505-2022) on his motorcycle make Splendor, Sikander Singh @ Mottu son of Bhola Singh (the petitioner in CRM-M-26215-2022), who was holding a bamboo stick and Sandeep Singh @ Seepa son of Tota Singh (the petitioner in CRM-M-26097-2022), who was also holding a bamboo stick came on one motorcycle. All the three aforementioned persons parked their motorcycle in front of his (complainant's) motorcycle and encircled him. Sikander Singh @ Mottu gave a blow with a bamboo stick/*danda* on the back of his left shoulder whereas Sandeep Singh @ Seepa gave a bamboo *dang*/stick blow at the back of his right shoulder. Thereafter, Sikander Singh @ Mottu gave another blow with the *danda* at the back of his right shoulder, as a result of which, he fell down. While lying on the ground, the petitioners gave a number of blows with *danda* at his back and right leg. At that point in time, Dilbagh Singh @ Bobby was recording the entire occurrence on his mobile phone. Thereafter, the accused fled away from the spot.

3. The learned counsels for the petitioners *inter alia* contend that no offence under Sections 353, 332 IPC is made out because the complainant was on his way to the office when the alleged incident took place and the occurrence had not connection with his job of being a police personnel. In fact, being a police official, he had misused his position and

was manipulating the investigation in this favour by getting added the offences under the SC & ST (Prevention of Atrocities Act) 1989, which even on a bare reading of the FIR, were not made out. It is further contended that there is a delay in the registration of the FIR, which is unexplained. It is lastly contended that the petitioners are in custody since 18.05.2022. The investigation stands completed and none of the 05 prosecution witnesses has been examined so far. Therefore, the further incarceration of the petitioners is not required as the trial is not likely to be concluded in the near future. Thus, the concession of bail to the petitioners is prayed for.

4. The learned counsel for the State, on the other hand, contends that the offences are clearly made out from the bare reading of the FIR. The manner in which the occurrence took place does not entitle the petitioners to the grant of bail. However, he does not dispute the period of custody as also the stage of the trial and the fact that one of the co-accused, namely, Dilbagh Singh @ Bobby has been granted the concession of interim anticipatory bail by this Court vide order dated 13.07.2022.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioners are in custody since 18.05.2022. The investigation stands completed and none of the 05 prosecution witnesses has been examined so far. In such a situation, as the trial is not likely to be concluded in the near future, the further incarceration of the petitioners is not required.

7. In view of the above, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Sandeep Singh @ Seepa (in CRM-M-26097-2022) and Sikander Singh @

Mottu (in CRM-M-26215-2022) are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

August 18, 2022  
Sukhpreet

( JASJIT SINGH BEDI)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No