

CRM-M-47463-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47463-2022
Reserved on: 27.04.2023
Pronounced on: 11.05.2023

Sukhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. O.P. Kamboj, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
68	23.05.2021	Sadar Ferozepur, District Ferozepur	304, 342 IPC

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 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s counsel opposes the bail .

REASONING:

5. The petitioner who was working as ASI in Punjab police took the deceased into custody on 22.05.2021. When enquired by deceased’s father it was found that he was not in police station in fact in illegal custody of the petitioner where he was tortured which led to his death. As per MLR 21 injuries which are serious in nature have been found on the body of the person. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioner brutally and mercilessly

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assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage.

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

7. In *Jai Prakash Singh v. State of Bihar and another* (2012) 4 SCC 379, Hon'ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See *D.K. Ganesh Babu v. P.T. Manokaran* (2007) 4 SCC 434, *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* (2008) 1 SCC 213 and *Union of India v. PadamNarain Aggarwal* (2008) 13 SCC 305].

8. 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.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. Interim protection granted vide order dated 11.04.2023 stand recalled. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

11.05.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.