

CRM-M-51521-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-51521-2023
Date of decision: 17.10.2023

BALWINDER KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh, Addl. A. G. Punjab.

Mr. Manpreet Singh Dhaliwal, Advocate,
for the complainant.**RAJBIR SEHRAWAT, J. (Oral)**

1. The present petition has been filed under Section 438 Cr.P.C, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.52 dated 03.09.2023, registered at Police Station Talwandi Chaudhrian, Kapurthala, under Sections 306, 506 and 34 IPC.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. The petitioner was posted as MHC in the police station at the relevant time. There is no specific allegation against the petitioner qua anything having been committed by him qua Jashanbir Singh or Manavjit Singh, except taking Jashanbir Singh out of police station and caught holding of Manavjit Singh when Navdeep Singh-SHO had, allegedly, given a slap to Manavjit Singh.

The petitioner shall join investigation as and when so required by the

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Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. On the other hand, learned State counsel, being instructed by SI Jaspal Singh and being assisted by counsel for the complainant, submits that two lives have been lost on account of humiliation caused by the police officials, including the present petitioner. The petitioner was very much posted in the police station where the alleged incident of humiliation and giving beatings to the deceased had taken place. Moreover, there are allegations against the petitioner as well, qua humiliating Manavjit Singh.

4. Having heard counsel for the parties and having gone through the facts and circumstances available on the record, this Court finds that except taking Jashanbir Singh out of police station and caught holding of Manavjit Singh when Navdeep Singh-SHO had, allegedly, given a slap to Manavjit Singh, no specific allegation has been levelled against the petitioner, much less to speak of any allegation, prima facie, sufficient to instigate a person to commit suicide.

5. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.10.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No