

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-54526-2023

Date of decision: 31.10.2023

Satinder Kaur @ Sarabjit Kaur and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.117 dated 05.10.2023 under Sections 452/323/160/427/506/148/149 of the Indian Penal Code, 1860, registered at Police Station Bhogpur, District Jalandhar.

2. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question which has been reproduced in the body of the petition, submits that other than the presence of the petitioner being shown at the time of the alleged occurrence with wooden sticks, no role much less any lalkara has been attributed to them. It has been submitted that the petitioners have clean antecedents and their custodial interrogation, in the wake of the allegations levelled, would not be required.

3. Notice of motion.

4. On asking of the Court, Mr. Mohit Kapoor, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel, on instructions, has strongly disputed the submissions made by the counsel opposite. It has been submitted that no doubt the allegations levelled against the petitioners are of being present at the place of occurrence along with other co-accused, however, there has been material concealment from this Court as the petitioners have criminal antecedents and are involved in a number of cases registered under the NDPS Act. It has also been submitted that the occurrence in question was the outcome of a spat between the complainant and the petitioners as the former had been objecting to their illegal activities particularly pertaining to the sale of narcotic substances. The petitioners along with co-accused to wipe off the evidence of their involvement in the sale and purchase of narcotic/contraband had damaged the CCTV camera which was installed in the house of the complainant. Therefore, custodial interrogation of the petitioners would be required.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Prima facie there are serious and specific allegations against the petitioners of having damaged the CCTV camera which was installed in the house of the complainant. The petitioners are also involved in a number of criminal cases under the NDPS Act, which fact has been withheld from this Court. This Court concurs with the learned State counsel that the custodial interrogation of the petitioners would be required. In the facts and circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioners.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.10.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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