

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-3299-2024 (O&M)
Date of decision: 02.05.2024

Sukhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. D. D. Sharma, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed under Section 438 of Cr.P.C. by the petitioner for grant of anticipatory in case FIR No. 133, dated 29.12.2021, under Sections 333, 354, 353, 186, 148, 149 of IPC and Section 25 of Arms Act at Police Station Tapa Mandi, District Barnala. The first petition, bearing **CRM-M-39826-2023**, had been dismissed as withdrawn with liberty to file afresh with better particulars.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by Gurlal Singh, SHO of Police Station Tapa Mandi on 29.12.2021 alleging that there was a piece of land, which belonging to Municipal Council, Tapa and was in illegal occupation of some persons. Efforts were made to resolve the dispute with regard to said land a number of times but no fruitful result could be achieved. As on 25.12.2021, the district administration had made discussion with the petitioner and co-accused with

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regard to the said land but the same could not reach successful end. During the course of the conversation, the petitioner who was accompanied by several other persons became aggressive. On the basis of exhortation made by the petitioner, a mob of persons who were accompanying him and were armed with weapons opened an attack on the members of the police party, due to which, injuries were sustained by the complainant Gurlal Singh, resulting into fracture of his nasal bone. A female police constable was molested by the mob and other police officials were manhandled. The police officials were compelled to open fire in the air to control the unruly mob. After registration of the FIR as against the present petitioner and other co-accused, investigation is under way.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. His custodial interrogation is not required. He is ready to join the investigation. He did not commit the subject offences. Some of the co-accused, whose cases were on similar footing, have been extended benefit of pre-arrest bail. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the present petitioner was heading the mob, which had opened attack on the police officials on the fateful day. There were serious allegations against the petitioner. He has criminal antecedents as previously, two FIRs were registered against him. There are chances of his avoiding the course of justice, if extended benefit of bail. Hence, it is argued that the petition is liable to be dismissed.

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5. As per allegations, the petitioner along with the co-accused had formed membership of an unlawful assembly and in furtherance of common object of that unlawful assembly, a police party headed by the complainant had been attacked upon and the complainant, who was the SHO/Incharge of the concerned police station, had suffered grievous injury on his nose. The subject offences are triable by the Magistrate. The co-accused, who were on similar footing, have since been extended benefit of bail. Keeping in view the nature of allegations as levelled against the petitioner and further in view of the fact that no recovery is to be effected from the petitioner and his detention in custody would not serve any useful purpose but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same stands allowed.

6. The petitioner is ordered to be admitted to anticipatory bail, subject to the condition that he will appear before the Investigating Officer within a period of 10 days from today and thereafter as and when required and will also abide by the conditions envisaged under Section 438(2) of Cr.P.C. and further subject to his furnishing bonds to the satisfaction of the Investigating Officer/Arresting Officer.

02.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No