

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-7611-2024

Date of Decision:- 07.03.2024

Harjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Kumar Yadva, Advocate for the petitioner.
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1 On the last date of hearing i.e on 13.02.2024, the following
order was passed:-

"1. The petitioner, who is a Sepoy in Punjab Police, has accessed this Court through the instant petition, for grant of anticipatory bail, in case FIR No.399 dated 21.12.2023, under Section 58 of the N.D.P.S. Act, registered at P.S. City Kapurthala, District Kapurthala.

2. The relevant contents of the present FIR are extracted hereinafter:-

".....other facts it was revealed that on date 23.09.2019 in morning at 11.00/11.30 AM, the Staff of STF Team comprising of ASI Sylvester Masih No.9/49 STF Team Kapurthala ASI Kuldeep Singh 1325/KAP, Head Constable Major Singh 834/KAP, Constable Shyam Masih 4/244, Constable Gurvinder Singh 80/583 and Constable Harjant Singh have gone in civil dress in wrongful manner in the service station/car parking centre of Petitioner Kuldeep Singh alias Sonu...."

3. What emanates from the record, is that, earlier FIR No.280 dated 23.09.2019, under Sections 18, 21, 61, 85 of the N.D.P.S.

2024:PHHC:033609

Act, was registered at P.S. City Kapurthala, against one Kuldeep Singh. Subsequently, said Kuldeep Singh @ Sonu approached this Court through filing CRM-M-49406-2019, thereby seeking transfer of investigation of FIR No.280 to the CBI or the Vigilance Department. The petition (supra) was disposed of, on 06.10.2023, with a direction to the respondent No.2 therein, to constitute a S.I.T., and, to ensure registration of a separate FIR against the erring officials. Accordingly, the present FIR has been registered against the petitioner and other police officials/officers concerned.

4. The learned counsel for the petitioner submits that the only role attributed to the petitioner is that, he had, on instructions from the S.H.O. concerned, did 'reki' of the service station of aforesaid Kuldeep Singh @ Sonu, and apart from that, he was at no point of time, involved in the investigation of FIR No.280, as registered against Kuldeep Singh @ Sonu.

5. The learned counsel for the petitioner further submits that, even if for the sake of arguments, the allegations are taken to be a gospel truth, yet the maximum sentence, as prescribed for the offence under which the present FIR has been registered, is only two years. Moreover, the petitioner is ready and willing to join the investigation and to cooperate with the investigating agency.

6. At this stage, Mr. Ravi Malhotra, records his appearance on behalf of the complainant- Kuldeep Singh and opposes the grant of the asked for relief (supra). He argues that the petitioner is one of the police officials, who has falsely implicated Kuldeep Singh @ Sonu in a heinous crime, i.e. under N.D.P.S. Act. In fact, the petitioner and his co-accused have misused their official powers, and, the present case is a clear cut example of police atrocity.

7. Be that as it may, considering the fact that the petitioner had, on instructions of his superior officer concerned, only did reki of the service station of Kuldeep Singh @ Sonu, this Court, at this stage, deems it appropriate to grant the asked for relief (supra). 8. Consequently, at this stage, this Court deems it appropriate to call for a status report from the learned State counsel, detailing therein, the status of investigation in the present FIR.

9. N.O.M. List on 07.03.2024.

10. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2024:PHHC:033609

2 Status report by way of affidavit of Harpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala, District Kapurthala has been filed and the same is taken on record.

3 Learned counsel for the petitioner submits that in pursuance of the order dated 13.02.2024, the petitioner had joined the investigation.

4 Learned State counsel, on instructions from ASI Rajinder Kumar, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

5 In view of the statement made by learned State counsel, the interim order dated 13.02.2024, is hereby, made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

March 07, 2024

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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

(KULDEEP TIWARI)
JUDGE