



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-24163-2024

Date of decision: 30.07.2024

Amrik Singh

.....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C.S. Bakhshi, Advocate
for the petitioner.

Mr. Akashdeep Singh, Spl. Public Prosecutor
for the respondent-CBI.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case RC No.0512023S0002 dated 18.01.2023 under Sections 120-B read with Sections 304, 323, 341, 342 of the IPC and substantive offence thereof, registered at Police Station SCB, CBI, Chandigarh.

2. Reply on behalf of the respondent-CBI has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Despite having no connection with either the deceased or the occurrence in question, he has been made an accused solely because he was posted as incharge of the police post, where the deceased allegedly suffered



custodial torture.

4. It has been further argued by the learned counsel for the petitioner that even if the entire case of the prosecution is presumed to be true, no offence would still be made out against him. While drawing the attention of this Court to the statement recorded under Section 164 of the Cr.P.C. of the sole eye witness Angrej Singh, it has been asserted that a perusal of the said statement annexed as Annexure P-4, clearly reveals that neither did Angresh Singh attribute any role to the petitioner nor was he named therein, even implicitly.

5. Additionally, it has been argued by learned counsel for the petitioner that the petitioner has been in custody since 03.04.2024, investigation is complete as challan is presented with 89 prosecution witnesses cited, the conclusion of the trial would take considerable time to conclude coupled with the fact that the petitioner has no criminal antecedents and has had unblemished service record, he poses no risk of fleeing the jurisdiction of the Court during trial. Hence, a prayer has been made for allowing the instant petition and extending the concession of bail to the petitioner.

6. Learned Standing counsel for the respondent-CBI has, however, opposed the prayer and submissions made by the counsel opposite. While drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-3, it has been submitted that there are serious allegations levelled against all the accused who were police officials; they misused their office and subjected the deceased to custodial torture, resulting in his death. Thereafter, the accused tried to



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cover up for the crime by lodging a false FIR to implicate one Kuldeep @ Bhutto for the death of the deceased. Learned Standing counsel for the CBI has, however, acknowledged that the name of the petitioner did not surface in either the statement recorded under Section 164 of the Cr.P.C. of Angrej Singh or in the disclosure statements of any of the co-accused with respect to his participation in the custodial torture of the deceased, nonetheless it is a matter of record that the petitioner was incharge of the police post at the relevant time.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. Before proceeding further, it would be relevant to reproduce the statement of Angrej Singh recorded under Section 164 of the Cr.P.C., which is as under:-

“I was present at my friend Mandeep Singh's house in Sursingh village on 25/5/2020. At 10 in the morning, Sarabjit Singh Sabba and 4-5 other men of the village came to Mandeep Singh's house and said that I and Mandeep Singh had stolen Sarabjit Singh's motorcycle which was parked in the Gurudwara. The entire recording has been done n the CCTV camera of Chhawani Sahib Gurudwara and on their asking we went with them. When we reached there and asked to see the video, they said that there is no video but it was I and Mandeep Singh who had stolen the motorcycle. At around 3.00 pm they took us from Gurudwara Sahib to Sursingh Chowki and asked the policemen to make us admit that we had stolen the motorcycle. Those policemen beat us a lot and their names were Sahib Singh, Munshi Hazara Singh, Bachittar Singh and Satnam Singh whose designation I do not know. Then we were put in the lock up. Mandeep's condition deteriorated due to the beating. Around 8-9 in the night, the health of my friend-Mandeep Singh became very bad, so I told the police employee Bachittar Singh that my friend's health is getting very bad, call a doctor so that he can get well or give him some medicine. Hearing this, Mandeep Singh also pleaded for help, then Bachittar Singh hit him directly on his chest and Mandeep Singh fell



on the ground. Mandeep Singh was in pain the whole night due to lack of medicine. The next day on 26.5.2020, the policemen called one Kuldeep@Bhutto and instructed him to tie up Mandeep Singh with the help of a parna (cloth) and drop him back to his house on a scooter I told Kuldeep also to first take him to the hospital and get him medicines On this he said that if he dies then let him die and nothing will happen. After 10 minutes, a call came from Mandeep Singh's house that he had died. Earlier the police was asking for Rs 5000/- to release me, then when they came to know that Mandeep Singh death, they asked me to leave like this. After going to Mandeep Singh's house, his wife Mrs. Narinder Kaur told me that we have to get justice and took the body of Mandeep Singh to the square in front of Bhikhiwind police station. On the request of Bhikhiwind police station, we sent Mandeep's body for post- mortem. When the body came back, it was completely wrapped because the policemen said that the face of the body should not be opened, the relatives said that let them atleast see the face but the policemen did not even shpw the face and the last rites had to be performed without bathing. We went to Bhikhiwind police station several times but no action was taken. We also came to Chandigarh many times but no hearing took place. Now CBI is investigating.”

9. A perusal of the aforementioned statement of Angrej Singh as well as the FIR which has been annexed as Annexure P-3, no doubt reveal that there are grave allegations levelled in the instant case against the police officials, however, as not disputed by the learned Standing counsel for the CBI, there is no specific attribution against the petitioner much less of having ordered the police officials posted under him to torture or assault the deceased.

10. Be that as it may, the petitioner has been in custody since 03.04.2024. The trial is unlikely to conclude in the near future as none of the 89 prosecution witnesses have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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11. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the learned Special Judge, CBI Court concerned. 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.

30.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No