



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.29987 of 2024 (O&M)
Date of decision: 08.07.2024

Jaggo Bibi and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Arora, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant petition has been jointly filed by the petitioners under Section 438 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.87 dated 22.05.2024 registered under Sections 353, 186, 224, 323, 148 and 149 of IPC at Police Station Guru Harsahai, District Ferozepur, on the basis of complaint lodged by Head Constable Mohammad Aslam posted at Police Station Rajyasar, District Sri Ganganagar alleging therein that in the morning of same day, he along with other police officials had reached at Police Station Guru Harsahai and after making requisite entry in the police station qua arrest of the accused Swaran Singh who was required in a case registered under the



provisions of NDPS Act at his Police Station, they had reached at the house of the co-accused Swaran Singh. They had apprehended him and when he was asked to sit in the vehicle, the petitioners who are his mother and brother respectively along with his sister and 5-7 other persons opened an attack upon the complainant and other members of the police party and physically assaulted them. They also caused obstructions in the performance of their duties. Constable Atma Ram was slapped and scratches with nails were given on his body. Fist blows were given to one police official and beatings were also extended. Thereafter, they rescued the accused Swaran Singh from the custody of the complainant and other police officials. After registration of FIR, investigation proceedings have been initiated and are underway. An application for grant of pre arrest bail had been filed by the petitioners which has been dismissed by the Court of learned Sessions Judge, Ferozepur vide order dated 06.06.2024.

2. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Infact, they are not residing with Swaran Singh and are having separate mess and residence. Previously, the petitioner No.2 along with his wife had filed an application under Section 438 of Cr.P.C. before the concerned Court alleging that police officials of PS Guru Harsahai were trying to apprehend the accused Swaran Singh but they were unable to do so and, therefore, they had been extending threats to the petitioner No.2 and his family members to falsely implicate them in other cases. It is argued that the present case is outcome of the said threat. A false story had been concocted. No incident



as alleged had infact occurred. Vague and general allegations have been levelled against them. Their custodial interrogation is not required. They are ready to join the investigation. Therefore, it is argued that they deserve to be extended benefit of pre arrest bail.

3. Status report has been filed by respondent-State. It is argued by learned State counsel that there are specific and serious allegations against the petitioners as they caused obstructions in performance of duties of the complainant and the other members of police party when they had gone to apprehend the accused Swaran Singh who is son of the petitioner No.1 and brother of petitioner No.2 to save him from arrest and had assaulted the police officials. They have sustained injuries and have been medico legally examined. The petitioner No.2 is having criminal antecedents as he is already facing trial in two different cases registered at Police Station Guru Harsahai under the provisions of NDPS Act. The petitioners may directly or indirectly induce witnesses or extend threats to them if extended benefit of pre arrest bail. Their custodial interrogation is must. No extraordinary circumstance has been made out warranting exercise of powers under Section 438 of Cr.P.C. by the Court. Therefore, it is argued that the petition does not deserve to be allowed.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. The petitioners along with the co-accused are alleged to have formed membership of an unlawful assembly on 22.05.2024, when the complainant along with other police officials had gone to their house to



apprehend the co-accused Swaran Singh and in prosecution of common object of that unlawful assembly, they are alleged to have caused obstruction in performance of their lawful duty and are alleged to have assaulted them. The subject offences are triable by Magistrate. No recovery is to be effected from the petitioners. Therefore, custodial interrogation is also not required. Keeping in view the nature of the allegations as levelled against the petitioners, the part attributed to them and the attendant facts and circumstances, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioners are ordered to be admitted to anticipatory bail subject to their surrendering before the Arresting/Investigating Officer within a period of one week from today and on their joining investigation and further subject to furnishing bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

- 6. Miscellaneous application(s), if any, also stand disposed of.
- 7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

08.07.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No