

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30171-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Bhola Mandal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harpreet Singh Rakhra, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
61	14.04.2024	A Division, Amritsar	186, 353, 323, 325, 506, 160, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. Vide order dated 19.06.2024, the petitioner was granted interim protection and the said order is continuing till date.
3. Facts of the case are being extracted from reply dated 09.08.2024 filed by Assistant Commissioner of Police which reads as follows:-

“Stated that I am permanent resident of abovementioned address and is posted as Excise Inspector at District Amritsar 01 and Excise Inspector Ram Murthy S/o Shri Gurdayal Ram resident of House No. 06, Tower Enclave, Jalandhar, who is posted at District Amritsar 02 alongwith ASI Harjinder Singh 3/373, HC Harjinder Singh 6/285 HC Ranjit Singh 6/419 HC Rakesh Kumar 2/710 HC Vikramjit Singh 1/449 HC Satnam Singh 2/817 HC Harpal Singh 2/667 were going to conduct raid at Bansawala Bazaar, Kot Atma Singh, Amritsar on a private vehicle, which was being driven by Driver Rajpal Singh S/o Jarnail Singh resident of Flat No. 22 SFMIG, A Block, New Amritsar. When the whole party reached the street next to Hotel White Tulip, then Rakesh Kumar @ Bhaiya, Akash, Bhola Bhaiya, Heera, Chetan, Gulli, Sahil, Ankug, Ghogu alongwith 20-25 unknown persons who were armed with sticks, kirpans, bricks and sharp edge weapons in their hands were already standing there. When we alongwith whole party stepped out of

the vehicle then Rakesh Kumar @ Bhaiya raised lalkara that no one should go escape today and let them learn a lesson for conducting raid and kill them from their life. On his saying, Ghogu gave direct blow of the handle of kahi on the head of Rajpal, which hit on the right side of his head and Rajpal Singh fell down on the spot and in the meantime, other persons starting throwing stones, bricks and some people started giving beatings to us. Upon which HC Ranjit Singh 6/419 came forward to rescue Rajpal then Akash and Rakesh Kumar @ Bhaiya catch hold the arms of HC Ranjit Singh 6/419 and torn his wearing uniform. When Rajpal Singh, HC Ranjit Singh 6/419 raised alarm of "Maar Dita Maar Dita" then Nisha W/o Rakesh Kumar @ Bhaiya also started throwing stones and bricks on me and Rakesh Kumar @ Bhaiya alongwith his accomplices alongwith their respective weapons and while giving threatens to kill from life, ran away from the spot. Upon which, our party arranged the vehicle and sent Rajpal and HC Ranjit Singh 6/419 to Civil Hospital for treatment. I was coming to police station to intimate and you have met us. Action be taken. Statement has been recorded, heard and is correct. Sd/-Ravinder Singh. Attested Sukhdev Singh ASI, P.S. Division A, Amritsar City dated 14.04.2024."

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes the bail.

6. State counsel has referred to following portions of the reply which reads as follows:-

*"3. That the Role of the Petitioner in this case is as under:
The petitioner Bhola Mandal along with the other accused has joined an unlawful assembly and the petitioner along with his associates have attacked the police party and the raiding team of Excise Department. The petitioner and his associates have caused injuries to Rajpal Singh (the driver) and torn the uniform of HC Ranjit Singh and obstructed the government officials from performing their duties. They have also thrown and pelted stones at the police and excise officials.*

*4. That the evidence against the petitioner is as under:
Ravinder Singh complainant and the police party who are eye witnesses. The MLR Of Rajpal Singh (injured). Torn Uniform of HC Ranjit Singh. Disclosure statement of co-accused Akash, Rakesh and Sahil."*

7. The petitioner was not named in the FIR, and despite FIR of 14th April 2024, the petitioner was not arrested.
8. Given the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
9. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.
10. **Petition is allowed.** Interim order is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.