

CRM-M-41376-2023

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(229-3)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 21.02.2024

(1) CRM-M-41376-2023 (O & M)

Yakub Masih Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-45832-2023 (O & M)

Jagpreet Singh Petitioner

V/s

State of Punjab ...Respondent

(3) CRM-M-48790-2023 (O & M)

Prem Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kanwar Pahul Singh, Advocate, (in CRM-M-41376-2023),
Mr. Amandeep Sharma, Advocate, (in CRM-M-45832-2023).
Mr. Vikrant Vij, Advocate,
for Mr. G.S. Bawa, Advocate,
(in CRM-M-48790-2023) for the petitioner(s).

Mr. Mohit Saroha, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three criminal miscellaneous
petitions i.e. CRM-M-41376-2023, CRM-M-45832-2023 and CRM-M-

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2. The petitioner-Yakub Masih (in CRM-M-41376-2023), the petitioner-Jagpreet Singh (CRM-M-45832-2023) and the petitioner-Prem Singh (in CRM-M-48790-2023) seek the grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.120 dated 13.06.2023 under Sections 307, 186, 353, 332, 148, 149 IPC and Section 379-B (2) IPC (added later on) registered at Police Station Ajnala, District Amritsar Rural.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-41376-2023.

4. The present FIR came to be registered at the instance of ASI Kewal Singh and reads as under:-

“Statement of ASI Kewal Singh, 1118 PS Ajnala, District Amritsar (Rural). Mobile Number 9780003897, Stated that I am posted as investigation officer at PS Ajnala. Today, I alongwith PHG Amar Singh 3546, on private vehicle, was present at Village Talwandi for patrolling. I received phone call of chief officer Satbir Singh Junior Engineer-cum-Mining officer has intercepted one vehicle filled with sand alongwith driver and rounded up the same. We were directed to reach at the spot. Then I reached at the spot with officers. Where Sh. Satbir Singh JE-cum-Mining Officer with party were present, who had handed over one vehicle bearing model TATA 207 EX number PB 32 H 7746 filled with sand and which was being driven by Jashanpreet Singh S/o Atma Singh, R/o Raipur Kalan, said Mining Officer handed over the vehicle alongwith challan book bearing no. 162 serial no. 11 dated 13.06.2023 against Jashanpreet Singh S/o Atma Singh R/o Raipur Kalan to me. Said government vehicle was being taken by me to PS Ajnala

with PHG Amar Singh 3546 who was allowed to sit in the same. When we reached near Lakhuwal Turn, the driver stopped the vehicle loaded with sand at the side and five persons came to the spot on motorcycle who were carrying baseball and sickle (Datar), who asked after coming that, who are these officers who are taking vehicle to the police station. Then, I tried to make them understand that this vehicle had already been challaned by the Mining Officer for illegal mining. We are taking this vehicle to police station legally with case property. I know these persons personally from earlier times. One is Yakub Masih S/o Barkat Masih R/o Motla, PS Bhindi Saidan, Jagpreet Singh S/o Jaspal Singh R/o Jastarwal, PS Bhindi Saidan, Prem Singh S/o Ajit Singh, R/o Poonga, Rinky Masih S/o Bagicha Masih R/o Village Chak Aul and then 4/5 unidentified person also came at the spot on two motorcycles. All in furtherance of their common intention had made obstruction in our duties and caught me from collar and torn my uniform and also snatched vehicle taken into custody by the Mining Officer by raising laudable voices and advancing threats. When I and PHG Amar Singh stopped them from snatching the vehicle and they with intention to kill us, tried to run over us with vehicle. PHG Amar Singh got aside and vehicle ran over from my right feet. Then I fell o the ground. Then they ran away from the spot with vehicle. All the above persons by putting obstruction in government duties, torn my uniform, by injuring me, ran away by snatching the government vehicle, and by doing this has done wrong by violating law. Action be taken against them, sd- Kewal Singh ASI above, attested Lakhwinder Singh SI, PS Ajnala, dated 13.06.2023”.

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5. The learned counsels for the petitioners contend that the allegations levelled against the petitioners are baseless. However, taking them to be correct, only simple injuries had been attributed to the accused. One similarly situated co-accused, namely, Rinku Masih has been granted the concession of anticipatory bail by this Court vide order dated 29.01.2024 passed in CRM-M-54487-2023. As the petitioners were first-time offenders, in custody since 14.06.2023 and none of the 17 prosecution witnesses had been examined so far, the Trial of the present case(s) was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

6. The learned counsel for the State, on the other hand, has filed a reply dated 21.02.2024 in CRM-M-41376-2023 which is taken on record. While referring to the said reply, he contends that all the accused brutally assaulted the injured/complainant Kewal Singh. They obstructed police officials from discharging their official duties by tearing their uniforms and forcibly took away a seized TATA pick-up truck loaded with sand. Therefore, the petitioners were not entitled to the concession of bail. He, however, concedes that the petitioners were first-time offenders, in custody since 14.06.2023 and none of the 17 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for the parties.

8. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial.

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Admittedly, the petitioners are first-time offenders, in custody since 14.06.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners, namely, Yakub Masih (in CRM-M-41376-2023), Jagpreet Singh (in CRM-M-45832-2023) and Prem Singh (in CRM-M-48790-2023) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that they are not involved in any other crime/case(s) other than the present one.

11. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

12. The petition stands disposed of.

February 21, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No