



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

1. CRM-M No.32097 of 2024
Date of decision: January 28th, 2025

Om Parkash @ OmPetitioner

Versus

State of PunjabRespondent

250

2. CRM-M No.59491 of 2024

Heera Lal ShahPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.R. Rana-I, Advocate
for the petitioner (in CRM-M-32097-2024).

Mr. Kanwaljeet Singh, Advocate
for the petitioner (in CRM-M-59491-2024).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed for grant of regular bail to the petitioners, as they arise out of same FIR i.e. FIR No.60 dated 17.04.2024 under Sections 353, 186, 332, 323, 341, 379B(2), 148, 149 of the IPC registered at Police Station Tibba, District Ludhiana.

2. Learned counsel for the petitioners submit that a false and exaggerated version having been brought forth in the FIR in question is

evident from the fact that even though it had been alleged that as many as 10-11 individuals, all armed with sticks etc., had attacked the complainant and assaulted him badly, however, the injuries allegedly sustained by the complainant were all opined to be simple in nature. It has been contended that even though the petitioners have been named in the FIR question, however, general allegations have been levelled against them that they along with co-accused attacked the complainant after extending threats to him and caused him injuries, and snatched his wallet containing money. It has been further submitted that petitioners Om Parkash alias Om and Heera Lal Shah have now been in custody since 18.04.2024 and 17.04.2024 respectively and after the challan was presented on 06.07.2024, the charges have not yet been framed, hence, the possibility of a trial concluding in the near future did not arise more so since 12 witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioners nor has it been disputed that challan stands presented in the present case. On further instructions, learned State counsel has also not refuted that the injuries allegedly sustained by the complainant were opined to be simple in nature. However, learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:

“Statement of Sanjeev Kumar son of Sh. Dharampal resident of House No. 12145, Street No. 4, Mohalla Attal Nagar, Basti Jodhewal, Ludhiana aged about 36 years Mobile 98788 20750 stated that I am resident of above said address and is employed as Senior Constable with Anti Narcotics Cell-I Ludhiana and is deployed on General Duty. Today I alongwith Asstt SHO Gurdeep Singh No. 422/Ldh alongwith Constable

Gurpreet Singh No. 141/Ldh, Constable Baldev Singh No. 3807/Ldh, Constable Sandeep Singh No. 1590/Ldh was present near Central Jail Ludhiana in connection with gathering information and keep watch on suspicious persons. That at about 4.30PM Asstt. SHO told me to go behind the garbage dump for collecting information of suspicious persons. When I reached Guru Teg Bhadur Colony then Sonu Kumar, his father Hira Lal, Mother Sanjo Devi, Om Prakash @ Om, Ajay @ Raja, Vikas Kumar @ Vikas son of Ashok Kumar and 3-4 unknown persons, who were already standing on the road side, called me in loud voice and told that why I had come to their Mohalla and started arguing with him. I told them that I am doing my duty. Then they started abusing me. When I stopped them then they ran away and came back with sticks and lathis and started saying that police cannot enter in this Mohalla. On saying all this they all attacked on me and started hitting on my head with an intention to kill. They all got me laid on the road and while laying on road they attacked on my head and back and other body parts legs, arms with sticks. After inflicting injuries they took away my wallet from my pocket containing 9-10 thousand rupees, Aadhar Card and Identity Car. Then I informed my fellow employees and then on seeing the police party coming towards them, they ran away from the spot with their respective weapons. My colleague employees got me admitted at Civil Hospital, Ludhiana for treatment. The above said persons by stopping me and by giving me beatings have done snatching and obstructed in my duty. So appropriate legal action be taken against above said persons.”

4. Further, learned State counsel has submitted, on instructions, that petitioner Om Parkash alias Om is facing trial in one case each under the NDPS Act and under the Excise Act.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated herein above, since the trial would take considerable time to conclude, the instant

petitions are allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

January 28th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No