

Lal Singh alias Lali Vs. State of Punjab

Reg. No. 3066/2020.

C.N.R.Number : PBSG01006695/2020.

Present: Shri G.S.Sidhu, Advocate counsel for applicant/ accused
Shri R.S.Kauldhar , Additional Public Prosecutor for State .

ORDER

1. Arguments on pre-arrest bail application moved by applicant/accused Lal Singh alias Lali under Section 438 of Code of Criminal Procedure in case bearing FIR No. 98 dated 19.07.2020 under Sections 353,186,427 and under Section 483 IPC added later-on registered at Police Station Moonak, heard. Police record produced and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. No alleged occurrence has been taken place. No injury has been attributed to applicant/accused. The allegations regarding use of criminal force and causing of obstruction in performance of the public duty by the police official are against Balwinder Singh alias Billa son of Suba Singh r/o Rogla and not against the applicant/accused. Applicant/accused has not played any role in the release of Balwinder Singh from the custody of police officials. Nothing is to be recovered from the possession of applicant/accused. Applicant/accused is ready to join the investigation. Therefore, he may kindly be released on anticipatory bail.

3. On the other hand, learned Additional Public

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Prosecutor for the State has argued that applicant/accused is not entitled to get the concession of pre-arrest bail as he in connivance with his co-accused Balwinder Singh and others used criminal force against SC Nazar Singh and tore his uniform, when he tried to capture Balwinder Singh and his accomplice who were coming on a motorcycle make Hero Honda Splender bearing No. HR23-10 with a suspicious substance and applicant/accused Lali son of Dhira, Jaila son of Chanda Singh, Sanju son of Gurdev r/o Banota alongwith 30/35 other persons who gathered at the spot got released accused Balwinder Singh alias Billa from his custody forcibly and illegally by causing obstruction in performance of his duty as public servant. Therefore, it is prayed that anticipatory bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, on 19.07.2020 at about 6:00 PM SC Nazar Singh of Excise Wing, Sangrur while on duty in Moonak Circle as per the direction of Excise Inspector Baldev Singh of Lehra Halqa was present near Rampura Gujra situated on Tohana-Moonak road, where two persons were seen coming from Tohana side on a motorcycle make Hero Honda Splender bearing No. HR-23-10. They were having a plastic bag containing some suspicious substance on which he gave a signal to stop the said motorcycle and both the motorcycle riders assaulted him after stopping the motorcycle. One of them fled away towards field by pushing him and when he tried to capture the other

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person, who disclosed his name as Balwinder Singh alias Billa son of Suba Singh r/o Rogla, got collected people there by raising hue and cry. Jaila Singh son of Chanda Singh r/o Rampura, Lali son of Dheera (applicant/accused), Sanju son of Gurdev Singh r/o Ganota and 30/35 unknown persons came at the spot. Balwinder Singh torn his uniform and caused obstruction in performance of his duty and Jaila Singh son of Chanda Singh r/o Rampura, Lali son of Dheera, Sanju son of Gurdev r/o Ganota and 30/35 unknown persons got released Balwinder Singh from his custody and they have also damaged the Scorpio vehicle bearing No. PB-65AB-3633 of the liquor vend contractor parked nearby. It is also alleged that while raising lalkaras and giving threat of dire consequences in case he entered in their area, they fled away by taking away the bag of Balwinder Singh and his companion containing suspicious substance. On the said statement of SC Nazar Singh, instant case was registered. No doubt, as per the allegations in the FIR itself, it is Balwinder Singh who has torn the uniform of SC Nazar Singh, a public servant and caused obstruction in performance of his duty as public servant when he tried to capture Balwinder Singh and his accomplice on the basis of suspicion, but he has also categorically raised allegation against the applicant/accused by alleging that applicant/accused in connivance with other people gathered there got released accused Balwinder Singh from his custody forcibly and illegally and they have also damaged the Scorpio vehicle of

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liquor vend contractor parked nearby. Thus, it cannot be said that applicant/accused has been falsely implicated in this case or that he has not played any role in the commission of the said offence. Hon'ble Supreme Court of India in Adri Dharan Das Vs. State of West Bengal 2005 (2) R.C.R (Criminal) page 32 (SC), and Hon'ble Punjab and Haryana High Court in Vishwanath Vs. State of Punjab 1998 (4) R.C.R (Criminal) page 624 (P&H) and R.K Ranga Vs. State of Haryana 1997 (2) R.C.R (criminal) page 611 (P&H) have held that relief of anticipatory bail is an extra ordinary relief and it has to be resorted in exceptional cases only if special grounds are made out.

5. In view of my above discussion, I do not find any justification to grant the extra ordinary relief of pre-arrest bail to applicant/accused as custodial interrogation of applicant/accused is required for proper investigation of this case. As such, pre-arrest bail application moved by applicant/accused has no merit and the same is hereby dismissed. Police record be returned. File of this bail application be consigned to record room.

Announced
Dated:-19.10.2020.

(Sham Lal),
Additional Sessions Judge,
Sangrur.
[UID Number : PB0123]