

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010055642022.

CIS Filing No.BA/2162/2022.

Date of order : 23.09.2022.

State Versus Tarlochan Singh Brar son of Sarwan Singh,
resident of Patti Razada, Village Rode, District
Moga.

----Applicant-accused

FIR No.204 dated 16.09.2022.

Under Sections : 353,186,34 IPC.

Police Station : Baghapurana.

Bail Application under Section 438 Cr.P.C.

Present :- Shri Boota Singh Bairagi, Advocate for applicant-accused
Tarlochan Singh Brar.

Ms.Gunwantjit Manesh, Additional Public Prosecutor for State.

ORDER

The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of complaint moved by Sub Divisional Magistrate, Baghapurana addressed to the Deputy Commissioner, Moga. It has been alleged that Tarlochan Singh along with 25-30 persons had obstructed the public servants in discharging their official duties. On 12.09.2022 at about 10.15 a.m., Tehsildar of Baghapurana at his office was holding meeting with Kanoogo and BDPO regarding scheme 'Mera Ghar Mere Naam'. This meeting was being attended by Kanoogo Ranjeet Singh and Sukhdeep Singh and Panchayat Secretary Jagmohan Singh. Accused Tarlochan Singh along with their persons entered into the office of Tehsildar Baghapurana and threatened him and obstructed him in discharge of his official duties. He used criminal force against the employees and created nuisance. He also entered into the room of the other officials and obstructed them in discharge of their duties. Tarlochan Singh along with other persons was clicking photographs and making videos and obstructing them in discharge of their duties he threatened them that he will make the videos and photographs viral. Action be taken against him in order to rehabilitate the moral of employees.

2. Said complaint was marked to Deputy Superintendent of Police, Baghapurana, who in turn sent the said complaint to SHO of Police Station

Baghapurana, who recorded the statements of the concerned persons and submitted his report. Thus, FIR under Sections 353,186,34 IPC was lodged. The accused-applicant could not be arrested. Now apprehending his arrest, the accused-applicant has filed the present pre-arrest bail application.

3. Learned counsel for accused-applicant has submitted that the accused has been falsely implicated in the present case. He further submitted that accused-applicant is a reputed Editor of Jagat Sewak Publications and to follow his duty on 12.09.2022, he visited Tehsil Complex in view of complaint qua corruption from citizens and entire incident qua visit has been recorded in digital equipments and nothing incriminatory as alleged in FIR took place. The present FIR has been lodged under the pressure of revenue union whereas no offence has taken place. Thus, custodial interrogation of accused-applicant is not required and prayed for acceptance of pre-arrest bail

4. On the otherhand, learned Additional Public Prosecutor has submitted that accused-applicant obstructed public servants in discharge of their public functions. Thus custodial interrogation of accused-applicant is required and prayed for dismissal of pre-arrest bail.

5. I have heard learned counsel for accused-applicant as well as learned Additional Public Prosecutor and have gone through the record.

6. From perusal of FIR, it reveals that allegations against accused-applicant are that he obstructed public servants in discharge of their public functions. No doubt, accused-applicant is a journalist, but he has no right to obstruct or threaten public servants, who were discharging their duties. If there was corruption in the revenue department, then it is the police, who has to take action against the culprits. Accused-applicant has no right to take law into his own hands. If concession of pre-arrest bail is granted to him, it will adversely affect the society and will give wrong impression in the minds of general public, which is uncalled for. The allegations against applicant-accused are serious in nature. Learned Additional Public Prosecutor has rightly argued that custodial interrogation of applicant-accused is necessary to complete the investigation. Thus, considering the entire gamut of facts and necessity of custodial interrogation, no ground is made-out to grant pre-arrest bail to applicant-accused and same stands dismissed. File be consigned to record room.

Pronounced.
Dated :- 23.09.2022.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge,
Moga (UID No.PB00213)