

BA/CIS No.2340-2020

Didar Singh @ Billa Vs. State of Punjab.

FIR No.98 dated 19.07.2020.

Case u/s 353/186/427 IPC.

Police Station: Moonak, District Sangrur.

Application for bail u/s 438 Criminal Procedure Code.

Present: Shri S.P.Sharma, Advocate, counsel for the accused-applicant.
Shri Puneet Khanna, Additional Public Prosecutor for the State.

ORDER:

1. File put up before me being Duty Officer during lock-down.
2. This is an application for seeking bail under Section 438 Criminal Procedure Code filed by accused-applicant **Didar Singh @ Billa (wrongly mentioned as Balwinder Singh @ Billa)** in the FIR, son of Suba Singh, resident of village Rogla, Tehsil Dirba, District Sangrur in the aforesaid case.
3. Notice of the bail applic **wrongly mentioned as Balwinder** ation was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.
4. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.
5. It is submitted in the application as well as argued by the

learned counsel for the applicant/accused that the applicant is a peace loving and law abiding citizen of India. The police of P.S.Moonak has falsely registered the present FIR against the applicant by mentioning wrong name of the applicant and wrong facts. Whereas the applicant has not committed any offence as alleged in the FIR. He is further argued that the name of the applicant is Didar Singh @ Billa son of Suba Singh, whereas the name of the accused/applicant is mentioned as Balwinder Singh @ Billa in the present FIR. The applicant has no concern whatsoever with the offence as alleged by the complainant in the above mentioned FIR. The police of P.S.Moonak at the instance of complainant is raiding the house of the applicant with an intention to arrest and torture the applicant and to implicate the applicant in a non bailable criminal offence. The applicant apprehends his arrest and torture in the hands of Police of P.S. Moonak. The applicant is an innocent person and has not committed any offence. Nothing is to be recovered from the applicant, so custodial interrogation of the applicant is not required. The applicant shall abide by all the terms and conditions imposed by the Court. The applicant will not misuse the concession of pre-arrest bail, so, he be released on bail.

6. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that the

allegations against the applicant are grave in nature, he does not deserve the leniency of the Court in grant of relief of anticipatory bail and that thus he should not be granted bail.

7. FIR in this case has been lodged against the accused/applicant Balwinder Singh @ Billa along with other co-accused namely Jaila Singh, Lali and Sanju on the statement of SC Nazar Singh, who stated that on 19.07.2020 at around 6:00 P.M., he was on secret duty near the liquor vend situated on Tohana Moonak road, when he noticed two persons coming from Tohana side on a motor cycle bearing registration No.HR-2310, who had a bag lying between the two riders. He further stated that he became suspicious and gave signal to them to stop and that both persons as soon as they stopped the motor cycle started scuffle with him and that one of them pushed him and ran towards the fields and that the other person while scuffling with him disclosed his name as Balwinder Singh @ Billa son of Suba Singh, resident of village Rogla. He further stated that Balwinder Singh @ Billa raised alarm at which Jaila Singh, Lali, Sanju and 30/35 unidentified persons gathered there and then Balwinder Singh tore his uniform and caused obstruction to him in carrying out his duty and that Jaila Singh, Lali, Sanju and 30/35 unidentified persons got freed Balwinder Singh and also caused damage to Scorpio bearing registration No.PB-65AB-3633 belonging to liquor

contractor and then left the spot.

8. Perusal of file reveals that torn uniform of SC Nazar Singh was taken into possession by the police. Such attacks on public official, who are performing their duties particularly during the tough time of Pandemic Corona Virus (Covid-19) cannot be ignored and need to be dealt with a heavy hand. Hence, 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 be sent to the concerned Court for consignment.

Announced in open Court.
Dated: 08.09.2020
Mamta Threja, JW.

(Gurpartap Singh)
Additional Sessions Judge,
Sangrur (UID-PB0206).

