

KAMALDEEP SINGH BHARAJ VS STATE OF PUNJAB

Present: Sh. Mandeep Singh Sachdev Advocate for the applicant/
accused

Sh. Sachin Azad, Addl. PP for the State alongwith ASI Vijay
Kumar.

1. ASI Vijay Kumar is present with police record. Lower court
record also received.

2. Heard on bail application filed under section 439 Cr.Pc by
applicant/accused Kamaldeep Singh Bharaj (wrongly mentioned in the
FIR as Kamalpreet Singh) son of Jaspal Singh, in FIR No. 46 dated
11.04.2021 under section 332/186/353/188 and 34 of IPC offence under
section 307/333 IPC added later on PS Bhargo Camp Jalandhar.

3. On 11.04.2021, Inspector Bhagwant Kumar made statement
to the police to the effect that he is posted as SHO PS Bhargo Camp,
Jalandhar. On 10.04.2021, he was on night domination checking duty,
Zone II Jalandhar from 10 PM to 2 AM. He alongwith Lovedeep Singh,
gunman was on night domination duty in Scorpio vehicle number PB 08
BS 6218, being driven by Ct Jagroop Singh. At about 1.45 AM , when he
reached near Model House Road Jalandhar , three persons, despite curfew,
were found present there. He asked the reason from them. They stated that
you should do your work and cannot stop them from standing there. They
will stand as such. He told them that action as per law can be taken
against them, whereupon they started abusing him. One of them stated
that catch these police men, who were unnecessarily harassing them and

they be taught a lesson for stopping them from standing at the road. One more person, their companion, reached there. He stated that Manpreet, Kamal and Harman , these police officials should not be spared today. Thereafter, all the three stated that uncle Avtar , you should bring a kirpan and they will kill these police men. Before he could understand anything , they attacked him with an intention to kill and gave fist blows on his mouth, head and chest. As a result thereof, blood started oozing out of his nose and mouth. His gun man saved him. They , three also damaged his uniform and that of his driver Jagroop Singh and also tried to snatch gun of Lovepreet Singh. On seeing patrolling party reaching at the spot, they tried to run away, after leaving him in an injured condition. However, with much difficulty, two of them namely Manpreet Singh and Kamalpreet Singh were apprehended, whereas Harmandeep Singh and Avtar Singh ran away. Driver Jagroop Singh took him to Civil Hospital Jalandhar where the concerned doctor issued the MLR and treated him and discharged him. Those four persons obstructed him in discharge of his official duty and gave him beatings with an intention to kill. They also damaged uniform of driver Jagroop Singh . Action be taken. On the basis of this statement, FIR was registered for offences under sections 332/186/353/188/34 IPC. Injury no. 1 on the person of complainant was declared grievous in nature and vide DDR number 28 dated 11.04.2021, offence under section 333 IPC was added. Thereafter vide DDR No. 2 dated 15.04.2021 , offence under section 307 IPC was added.

4. Sh. Mandeep Singh Sachdev, Advocate has argued that applicant/ accused is innocent. . He has been falsely implicated in the

case. Complainant is a police official and as such got offences under sections 333/307 IPC added in the case wrongly. The alleged injury of fracture of nasal bone is a fictitious one. To take Jaspal Singh, father of applicnat/ accused, to hospital for treatment, an ambulance was called and the applicants/accused were waiting for the ambulance on the road. Police party arrived there and abused the accused. Thereafter an altercation took place. A false story has been cooked by the police. Accused is in custody since long. He should be granted bail.

5. On the other hand, Ld. APP has argued that complainant is a public servant. He was on official duty. When he asked the accused of their reason of standing at the road, in violation of curfew order, accused attacked him and caused injuries including fracture of nasal bone. That the offences are serious and such acts should be discouraged and be not condoned. People are seen frequently assaulting nurses, doctors, policemen etc, who are just performing their official duties during this difficult time of Covid 19 pandemic. Alleged story of waiting for an ambulance to take Jaspal Singh to hospital is wrong. He has argued for dismissal of the bail application.

6. I have considered the respective submissions and have gone through the police record as well as the Pen Drives allegedly containing CCTV footage of the occurrence, supplied by Sh. Mandeep Singh Sachdev, Advocate and Sh. Sachin Azad Addl. PP .

7. Indisputably, complainant was posted as SHO, PS Bhargo Camp, Jalandhar on 10.04.2021. He alongwith other policemen was on

official duty of night domination in view of enforcement of curfew/ lockdown in Jalandhar City. Applicant/accused Kamaldeep Singh and co accused were present on Model House Road. When, complainant queried them on the reason of violation of curfew, they told him that he has no right to question them. An altercation admittedly took place and accused gave beatings to the complainant, causing injuries including injury of fracture of bilateral nasal bone. So, a grievous hurt was caused to the complainant, a public servant, in order to prevent him to discharge his official duty, thus prima facie attracting offence punishable under section 333 IPC. Claim of the accused that they were waiting for an ambulance to take Jaspal Singh, father of applicant/ accused to hospital, is prima facie not convincing. Nothing has been stated as to from which disease, he was suffering. No medical record of Jaspal Singh has been produced. Whether Jaspal Singh was thereafter admitted in any hospital for alleged treatment has not been disclosed. So, it is prima facie found that accused were present on the road, at the dead of the night in violation of curfew order and assaulted and injured the complainant when he questioned them. Charges against the accused are unquestionably serious and their acts if found true are inherently inimical to public and societal interest as a whole. Breach of curfew/ lockdown restrictions, imposed by the government, in order to contain the deadly corona virus, if permitted unchecked, may result in loss of lives of thousands and if not millions and cannot be tolerated. Incidents of assaulting and injuring public servants including doctors, nurses and policemen, deployed for various duties, during this difficult time of spread of corona virus, are rising day by day, creating fear among them. So, considering the totality of facts and the

gravity of the matter, applicant/ accused is found not entitled to the relief of bail. As such, bail application is dismissed. File be consigned to the Record Room.

Date of Order: 11.05.2021
Amrit Lal Arora *

(Khem Karan Goyal)
Addl.District and Sessions Judge-VI
UID NO . PB00117