



**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42206-2023

Date of Decision : 11-07-2024

PRITPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate.
Ms. Kamaldeep Kaur, Advocate
Ms. Malini, Advocate,
Mr. H.S. Kaura, Advocate and
Mr. Shubhkarma Kaura, Adocate
for the petitioner.

Mr. Gagneshwar Walia, Addl. A.G. Punjab with
Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the prayer of the petitioner is for the grant of regular bail in FIR No.164 dated 02.10.2022 under Sections 222, 224, 225-A, 212, 216, 120-B of IPC and Sections 25, 54 and 59 of the Arms Act at Police Station City-1 Mansa District Mansa (Annexure P-1).

Learned Senior counsel appearing on behalf of the petitioner contends that the petitioner is behind bars and has undergone incarceration for a period of one year and one month hence, keeping in view the fact that



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offence under Section 222 of the IPC, is not made out, the petitioner may kindly be granted concession of regular bail.

Learned Senior counsel submits that the offences are triable by the Magistrate and therefore, keeping in view the custody already undergone, the petitioner is entitled for the grant of regular bail.

Learned State counsel on the other hand submits that the petitioner was a Police Officer, who was entrusted custody of an undertrial gangster for interrogation, but the petitioner facilitated the escape of the said undertrial gangster namely Deepak @ Tinu.

Learned State counsel further submits that the petitioner took the said undertrial gangster from the Police Station to his residential quarter without being there any jurisdiction to do so from where, the said undertrial was allowed to flee from the custody of the Police.

Learned State counsel further submits that not only this, on the disclosure statement of the petitioner, illegal weapons have been recovered from his residential quarter which shows that how a protector of law was behaving while discharging his duties as a police officer.

Learned State counsel submits that as all the accused could not be arrested, and they are evading arrest, the trial is taking time to conclude hence, keeping in view the allegations as alleged against the petitioner, merely on the custody already undergone, the prayer for grant of regular bail may kindly be dismissed.

I have heard learned counsel for the parties and have gone through the record of the present case with their able assistance.

Petitioner being the protector of law at the relevant time was entrusted with the custody of undertrial gangster so as to investigate the

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crime being alleged so that, the culprits could be tried in the court of law in a manner required. The job of the petitioner is to protect the law and order at the hands of the miscreants whereas, despite working in the Police department, the petitioner has worked to the detriment not only of the department but against the interest of the public at large, which was required to be protected by the petitioner. The allegations alleged against the petitioner are very serious. It is a conceded fact that is as per the CCTV footage available on record, the petitioner seen is taking the undertrial gangster from the Police Station to his own residential quarter in his private car and that too without any jurisdiction, from where the said undertrial gangster was allowed to flee from the Police custody. The job of the petitioner was to interrogate the undertrial at the Police Station so as to extricate the truth behind the allegations being alleged against the said undertrial. The undertrial was allowed to escape from the Police custody and the petitioner in connivance with undertrial gangster facilitated in the said process.

Not only this, the petitioner whose job is to ensure that no one uses unauthorised weapon or keep the same in his/her possession, was keeping illegal weapons in his own quarter which have been recovered at his instance after his arrest. This fact shows that as to what kind of person the petitioner is and what kind of links he has with the personnel, who disrupted the law and order situation.

Had the petitioner being an ordinary under trial accused the consideration for the grant of bail would have been different but, the consideration for the grant of bail to a protector of law, who has flouted the law for his own interest so as to facilitate an undertrial, who is a gangster to

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escape from police custody, is to be dealt in a manner so as to protect the faith of common people with the Police as an Investigating Agency and to be the protector of innocent people rather than on the side of the gangsters.

The State Police had reposed faith in the petitioner to interrogate the undertrial gangster in the manner required qua the allegations alleged against him by including the petitioner in the special investigation team, which faith has been eroded by the petitioner by way of his conduct as stated hereinbefore.

The only argument raised is that the petitioner has undergone a custody of one year and therefore, he should be enlarged on bail especially when, the petitioner was granted the interim bail by the Co-ordinate Bench of this Court on the first date of hearing of the present bail application.

Without commenting upon the order granting interim bail to the petitioner on the first date of hearing by the Co-ordinate Bench, it may be noticed that the delay in the trial is only due to the fact that all the accused are yet to be arrested. The conduct of the accused is not to be ignored even if, the accused has undergone one year of incarceration. Whether, a protector of law who has behaved in a manner so as to flout the law, so as to help the anti-social elements, should be brought back to the society by the grant of regular bail especially when the prosecution witnesses are yet to be examined and it cannot be ruled out that the petitioner, in case granted the benefit of regular bail, will not interfere in the process of law so as to stall the trial.

No other arguments raised. Before parting with the order, keeping in view the facts and circumstances of the present case, the trial Court is directed that all efforts be made to conclude the trial within a period

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of six months from the next date of hearing even if, short adjournments are to be given and the presence of the witnesses is to be secured by passing coercive orders.

Keeping in view of the above, no grant is made out for the grant of regular bail to the petitioner in the facts and circumstances of the present case, at this stage.

Present petition stands dismissed.

Ordered accordingly.

11-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking : YES/NO
Whether reportable : YES/NO