

**IN THE COURT OF NAVJOT KAUR,
SESSIONS JUDGE, MANSA
(UID NO.PB0067)**

Bail application No.03

Date of institution: 02.01.2023

CNR No.PBMN010000142023

CIS No.BA/07/2023

Date of decision: 12.01.2023

State of Punjab

Versus

SI Pritpal Singh No.316/Mansa, Incharge CIA Mansa son of Mehar Singh, resident of Handaya Road, Barnala, now confined to Central Jail, Patiala.

--- Applicant-accused

Bail application under Section 439 Cr. P.C.

FIR No.164 dated 02.10.2022

under Sections 222, 224, 225-A, 120-B of the IPC and

Section 25/54/59 of the Arms Act,

Police Station, City-1 Mansa, District Mansa.

Present: Shri Bimaljit Singh, Advocate, counsel for the applicant-accused.

Shri B.S. Deol, Additional Public Prosecutor for the State.

ORDER

This order is going to decide regular bail application filed by the applicant-accused SI Pritpal Singh, in case arising out of FIR No.164 dated 02.10.2022 registered under Sections 222, 224, 225-A, 120-B of the IPC and later on added Section 25/54/59 of Arms Act, at Police Station, City-1 Mansa, District Mansa.

2. It was submitted by the Public Prosecutor for the State at bar and stated by the investigating officer that this is the first application of the applicant under Section 439 of the Cr.P.C. and no such application had ever been filed by the applicant either before the competent court of parallel jurisdiction or before the Hon'ble High Court.

3. Heard. Record perused, which reflects that the present FIR under reference came to be registered when one Deepak alias Tinu, an accused in a case arising out of FIR No.218 of 22.08.2019, registered at Police Station, Sardulgarh, under Section 302 of the IPC, who was in custody of SI Pritpal Singh, CIA Staff, Mansa fled from the custody on 01.10.2022. The prosecution has come up with a case that accused Deepak alias Tinu was in the custody of local police in a case arising out of FIR No.218 of 22.08.2019, Police Station, Sardulgarh, under Section 302 of the IPC. As a matter of fact, Deepak alias Tinu escaped from custody of the police which was facilitated by the public servant Inspector Pritpal Singh, Incharge CIA Staff, Mansa. As a matter of fact the escape of Deepak alias Tinu from custody could not have been accomplished

without the aid, assistance of conspirators playing roles at different stages of the conspiracy. As it is evident from the police file, main accused Pritpal Singh who is a public servant is said to have deliberately and purposely brought Deepak alias Tinu from the office of CIA Staff, Mansa to his residential quarters to afford him meeting with his woman friend namely Jatinder Kaur alias Jyoti. As the version of the prosecution unfolds further, on 01.10.2022 Jatinder Kaur alias Jyoti came together with Kuldeep Singh alias Kohli and others on his Scoda car to Mansa via Ludhiana from Mohali. She was dropped at Mansa *Tinkoni* from where she was picked up by Inspector Pritpal Singh. She was brought on a Brezza car to the official residence of Pritpal Singh where accused Deepak alias Tinu was already present. During the night Deepak alias Tinu and Jatinder Kaur alias Jyoti escaped from the custody of Pritpal Singh. It is said that Chirag son of Anil Kumar had brought the Santro car No.HR-29S-3330 to Mansa and had transported escapee Deepak alias Tinu and Jatinder Kaur alias Jyoti from the official residence of Pritpal Singh to Guga Mari, Rajasthan. In the course of investigation, two 32 bore pistols and 12 live cartridges were recovered from Chirag apart from the Santro car.

4. It was submitted on behalf of the applicant-accused SI Pritpal Singh that he has been projected as the main accused and the kingpin behind the escape of Deepal alias Tinu. It was contended that it is misfortune of applicant SI Pritpal Singh that despite him being one of the most sincere officer dealing with the murder case of single Sidhu

Moosewala, yet he has been projected in this case as an accused being on the wrong side of the law. It was not denied that accused Deepak alias Tinu was in custody of SI Pritpal Singh at the relevant time when said accused Deepak alias Tinu managed to flee with the help of his other accomplices, who have been now been projected as the co-accused. It has been contended that SI Pritpal Singh has been made a scape goat. Actually story behind the scene is different which is not appropriate for SI Pritpal Singh to disclose. There may be involvement of other police officers/officials in the matter. It was further contended that even if it is taken that Deepak alias Tinu fled from the custody of SI Pritpal Singh, applicant SI Pritpal Singh cannot be projected as facilitator or conspirator. He can at the most be taken as a victim police officials from whose custody accused Deepak alias Tinu fled. It is submitted that applicant SI Pritpal Singh is in custody since 02.10.2022. Challan has already been presented before the jurisdictional Magistrate. Conclusion of trial will take a considerable time and no useful purpose will be served by detaining the applicant-accused in judicial custody for an indefinite period.

5. On the other hand, it was contended by learned Public Prosecutor that the murder case of singer Sidhu Moosewala was a very highlighted case. It was not only trust of the public but also the prestige of the other police authorities, the Central police authorities and various other authorities which were involved. With great difficulty the police had accomplished the arrest of accused Deepak alias Tinu in the murder case

of singer Sidhu Moosewala. Applicant SI Pritpal Singh was one of the investigating officers who was investigating some aspects of the matter. He had taken the custody of accused Deepak alias Tinu for interrogation. Yet knowing that accused Deepak alias Tinu was member of a very notorious gang, yet his interrogation, which was required to be conducted at CIA Staff, Mansa, accused SI Pritpal Singh floated the rules. He took accused Deepak alias Tinu to his official residence located at he officers colony. The aim was to provide accused Deepak alias Tinu a discrete meeting with his girl friend. SI Pritpal Singh acted deliberately and purposely to facilitate Deepak alias Tinu. Had SI Pritpal Singh not acted in such an irresponsible manner, accused Deepak alias Tinu would not have fled from his custody. All these circumstances suggest that there was a larger conspiracy behind act and applicant SI Pritpal Singh was the main conspirator. It was further contended that given the status and stature of applicant SI Pritpal Singh, if released on bail there is every possibility that he must overreach the prosecution witnesses and hamper the trial.

6. Rival contentions addressed on either side duly considered in light of the record which reflects that accused Deepak alias Tinu was in the custody of local police in a case arising out of FIR No.218 of 22.08.2019, Police Station, Sardulgarh, under Section 302 of the IPC. As a matter of fact, Deepak alias Tinu escaped from custody of the police which was facilitated by the public servant Inspector Pritpal Singh, Incharge CIA Staff, Mansa. As a matter of fact the escape of Deepak alias Tinu from custody could not have been accomplished without the aid,

assistance of conspirators playing roles at different stages of the conspiracy. As it is evident from the police file, main accused Pritpal Singh who is a public servant is said to have deliberately and purposely brought Deepak alias Tinu from the office of CIA Staff, Mansa to his residential quarters to afford him meeting with his woman friend namely Jatinder Kaur alias Jyoti. As the version of the prosecution unfolds further, on 01.10.2022 Jatinder Kaur alias Jyoti came together with Kuldeep Singh alias Kohli and others on his Scoda car to Mansa via Ludhiana from Mohali. She was dropped at Mansa *Tinkoni* from where she was picked up by Inspector Pritpal Singh. She was brought on a Brezza car to the official residence of Pritpal Singh where accused Deepak alias Tinu was already present. During the night Deepak alias Tinu and Jatinder Kaur alias Jyoti escaped from the custody of Pritpal Singh. It is said that Chirag son of Anil Kumar had brought the Santro car No.HR-29S-3330 to Mansa and had transported escapee Deepak alias Tinu and Jatinder Kaur alias Jyoti from the official residence of Pritpal Singh to Guga Mari, Rajasthan. In the course of investigation, two 32 bore pistols and 12 live cartridges were recovered from Chirag apart from the Santro car.

7. Given the fact that applicant SI Pritpal Singh has been projected as the main accused and considering the serious nature of the allegations and gravity of offence and the manner in which a police official has floated the rules and has put on stake not only his own job but

also breached the trust of his department and the public, this Court is not inclined to grant regular bail to the applicant-accused.

8. As a result of the aforesaid discussion the application in hand is found to be devoid of merit and same is accordingly declined. Bail application file be consigned to the record room.

Announced:
12.01.2023

(Navjot Kaur)
Sessions Judge, Mansa
(UID No.PB0067)

Sukhwinder Singh Stenographer G-II

CNR No.PBMN010000152023

BA/07/2023

State Vs. SI Pritpal Singh

Present: Shri Bimaljit Singh, Advocate, counsel for the applicant-accused.
Shri B.S. Deol, Additional Public Prosecutor for the State.

Arguments concluded. Vide separate order of today, regular bail application of applicant-accused has been declined. Bail application file be consigned to the record room.

Announced:
12.01.2023

(Navjot Kaur)
Sessions Judge, Mansa
(UID No.PB0067)

Sukhwinder Singh Stenographer G-II