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Sumedh Singh Saini vs. State
CIS No. 1527-2020

**IN THE COURT OF SH. RAJNISH GARG,
ADDL.SESIONS JUDGE, SAS NAGAR(MOHALI).**

CNR No.PBSA01-004579-2020
Date of decision 01.09.2020

Sumedh Singh Saini, age 62 years son of late Sh.R.C.Singh, resident of
House No.3048, Sector 20-D, Chandigarh.

.....Accused/applicant.

Versus

State of Punjab

.....Respondent.

FIR No.77 dated 06.05.2020
Under Sections 302, 364, 201, 344, 330, 219, 120-B IPC
Police Station Mataur.

Application under Section 438 Cr.P.C.

Present : Sh.A.P.S.Deol, Senior Advocate with Sh.Harneet Singh
Oberoi, Advocate, counsel for applicant/accused.
Sh.Sartaj Singh Narula, Special Public Prosecutor with
Sh.Kuldeep Singh, Addl.P.P.for State.
Sh.Pardeep Virk, Advocate, counsel for complainant.

ORDER

1. Present bail application has been filed under Section 438 Cr. P.C
on behalf of accused-applicant for grant of anticipatory bail in the aforesaid
FIR after addition of offence under Section 302 IPC to the list of offences.

Notice of the application was given to State and record of the case was

produced.

Brief facts necessary for dealing with present bail application
are that the aforesaid FIR was registered on the basis of one complaint

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moved by Palwinder Singh Multani with the allegations that on 11.12.1991, his brother Balwant Singh Multani, who was employed as J.E. with Chandigarh Industrial and Tourism Corporation and was residing in Phase-7, Mohali, was picked up by a team of Chandigarh Police from his home at about 4.00 a.m. without providing any reason for his illegal abduction. His family including his father D.S.Multani, who was a serving IAS Officer tried to trace his brother and raised hue and cry, but he could not be traced. Infact on 11.12.1991, his brother Balwant Singh Multani was picked up by a team of Chandigarh Police headed by DSP Baldev Singh under the instructions of applicant-accused Sumedh Singh Saini, the then SSP, Chandigarh. Thereafter, Balwant Singh Multani was taken to a house in Phase-X, Mohali from where Jaspreet Inderjit Singh and his father Manjit Singh were picked up. Both Manjit Singh and Jaspreet Inderjit Singh were inhumanly tortured by the Police Personnels headed by SI Satbir Singh and DSP Baldev Singh to know whereabouts of Devinder Pal Singh Bhullar, who was their relative. Thereafter, on 12.12.1991 at about 2.00 a.m., his brother Balwant Singh Multani alongwith aforesaid persons was taken to village Dyalpura Bhaika from where Balwant Singh Bhullar father of Devinder Pal Singh Bhullar was picked up. Thereafter, the same Police team went to village Rampura from where Kultar Singh, father in law of Devinder Pal Singh Bhullar was taken into illegal custody. Thereafter, all the above said persons were taken to CIA Staff, near Sector -11, Chandigarh and were kept in illegal custody of SI Satbir Singh, who was regularly getting directions from applicant-accused

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Sumedh Singh Saini. On 13.12.1991 all the above said persons were taken to Police Station Sector 17, Chandigarh, where they were tortured and interrogated. On the same day during late night, applicant-accused Sumedh Singh Saini, the then SSP, Chandigarh himself went to Police Station and all the aforesaid illegally detained persons were produced before him and were tortured under his instructions. His brother lost his mental balance due to torture given to him. Subsequently, a false and frivolous case was registered against his brother Balwant Singh Multani vide FIR No.440 dated 13.12.1991 at Police Station Sector 17, Chandigarh. He was shown arrested in said case with vague and general allegations and was shown arrested from near K.C.Theater, Chandigarh. All this was being done under the directions of applicant-accused Sumedh Singh Saini, who was having a personal agenda against all the aforesaid persons for an alleged attempt made on his life regarding which FIR No.334 dated 29.08.1991 had been registered. Police remand of Balwant Singh Multani was obtained in FIR registered against him and he was again inhumanly tortured by applicant-accused himself and by his team under his instructions. His brother was so badly tortured that he became unable to walk. He could not withstand torture given to him and ultimately succumbed to the injuries caused by applicant-accused and his team. Thereby, his brother was murdered by applicant-accused and his team with inhuman torture. But in order to cover up their illegal acts, applicant-accused and his team forged and fabricated documents to show that his brother Balwant Singh Multani was taken to Qadian by SI

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Jagir Singh for disclosing whereabouts of some Navneet Singh. The Police party, which had taken Balwant Singh Multani to Qadian consisted of SI Jagir Singh alongwith several officials of Chandigarh Police and a Battalion of CRPF. There Balwant Singh Multani shown to have been kept in custody in Police Station Qadian and subsequently was shown to have escaped from the custody of Police. It was not possible for Balwant Singh Multani to escape from the custody of such a huge team of Police and after having faced torture for about 7 days. There Police again fabricated documents and registered FIR No.112 dated 19.12.1991 Police Station Qadian to show that Balwant Singh Multai had escaped from custody. Since, thereafter whereabouts of Balwant Singh Multani are not known and he was shown as a proclaimed offender in police record at Chandigarh as well as Qadian. Subsequently, Balwant Singh Multani was also nominated as an accused in FIR No.334 dated 29.08.1991 registered at Police Station Sector 17, Chandigarh regarding attempt of murder of applicant-accused Sumedh Singh Saini and was shown as proclaimed offender in said case also. Said case was found to be false and all the three accused were acquitted. Their acquittal was upheld by Appellate Court also. His father D.S.Multani had been pursuing the case regarding illegal abduction of his brother Balwant Singh Multani and his death due to inhuman torture. Ultimately a preliminary enquiry was conducted under the directions of Hon'ble Punjab and Haryana High Court and an FIR was registered with CBI, Chandigarh. Said order passed by Hon'ble High Court was challenged before Hon'ble Supreme

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Court of India, which set-aside said FIR on technical grounds observing that the FIR was result of defective legal process. However, an opportunity was given to applicants in said case to take recourse to fresh proceedings if permissible under law. Thereby Hon'ble Supreme Court did not finally decide the matter on merits and had given liberty to the father of present complainant to take recourse to fresh proceedings. Thereby his brother Balwant Singh Multani was unlawfully abducted and was killed in custody by applicant-accused and other Police officials of his team. Thereafter, his father ran from pillar to post to seek justice, but no action could be taken due to influence and power of applicant-accused Sumedh Singh Saini. Ultimately, in the end of 2015 one Ex.Police official Gurmeet Singh @ Pinki made disclosure about inhuman torture given to his brother and elimination of various persons by applicant-accused and his team. His disclosure was published in national magazine 'Outlook' dated 14.12.2015. From there they came to know about the illegal activities conducted by Police under the instructions of applicant-accused and inhuman torture given to his brother. They were believing that some action would be taken by the Government machinery after said disclosure, but no action was taken due to influence of applicant-accused. Now after retirement of applicant-accused they have resumed courage to file the present complaint after obtaining more details. With these allegations, aforesaid FIR was registered against applicant-accused and others under Sections 364, 201, 344, 330, 219 and 120-B IPC. Earlier applicant-accused moved an application for anticipatory

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bail for aforesaid offences, which was allowed by the Court of Ms. Monika Goyal, learned Addl. Sessions Judge, Mohali vide order dated 11.05.2020. Four other accused were allowed anticipatory bail by said Court vide order dated 19.05.2020. Subsequently, further investigation was conducted by the Police, and two of the accused namely SI Jagir Singh and SI Kuldeep Singh turned approver and suffered statements under Section 164 Cr.P.C. in the Court, wherein they stated that Balwant Singh Multani was given inhuman torture under the instructions of applicant-accused, which resulted in death of Balwant Singh Multani and they had gone to Qadian as per instructions of applicant-accused to cover up the offence. Statements of some more witnesses were recorded and offence under Section 302 IPC was added to the list of offences. Hence, this bail application for grant of anticipatory bail.

3. I have heard, learned counsel for applicant-accused, learned Special Public Prosecutor for State assisted by learned counsel for complainant and have carefully perused the record with their able assistance.

4. Learned counsel for applicant-accused argued that applicant-accused has been falsely implicated in the present case and infact no offence was committed by him. The present case has been registered against applicant-accused due to political vendetta as applicant-accused has served on various positions in the Punjab Police. He retired as Director General of Police in the year 2018 and during his tenure as Police official, he had taken action against various political leaders, who are currently in power. Present case has been got registered against applicant-accused as a counter blast to

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the actions taken by him while he was a Police officer. This fact is apparent from the fact that present case was registered after 29 years of the occurrence. The alleged occurrence had taken place between 11.12.1991 and 19.12.1991, but complaint on the basis of which present case has been registered was moved on 05.05.2020. Earlier also an FIR had been registered against applicant-accused under the instructions of Hon'ble Punjab and Haryana High Court, but said FIR was quashed by Hon'ble Supreme Court of India. Now the present FIR could not have been registered against applicant-accused on the same facts and it amounts to double jeopardy. Liberty if any was given by Hon'ble Supreme Court to the applicants in said case i.e. father of deceased Balwant Singh Multani, who himself did not take any action for 3 years after orders of Hon'ble Supreme Court in the year 2011 as he died in the year 2014. Present complainant who is brother of Balwant Singh Multani has no locus-standi to file the present complaint and present complaint has been filed by him at the instance of political party in power. All these facts were taken into consideration by the Court of Ms.Monika Goyal, learned Additional Sessions Judge, Mohali while granting anticipatory bail to the applicant-accused vide order dated 11.05.2020 and his co-accused vide order dated 19.05.2020. Now the present bail application has to be filed as offence under Section 302 IPC was added subsequently. Infact investigating agency pressurized co-accused of the applicant-accused to turn approver by registering another FIR against them vide FIR No.177 of 2020 at Police Station Majri. Even as per statements

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made by said approvers, Balwant Singh Multani was tortured on 13.12.1991 and he died immediately thereafter, but as per record of the Court in another case, Balwant Singh Multani was produced in the Court on 14.12.1991 and was remanded to Police custody. Thereafter, he moved an application for bail on 17.12.1991, which itself is sufficient to show that he had not died on 13.12.1991, as alleged. Lastly, applicant-accused is entitled to grant of anticipatory bail for the added offence as all the points taken by prosecution have already been considered by learned Predecessor of this Court. This Court has no jurisdiction to recall or review the order passed by its Predecessor. Applicant-accused is again ready to join investigation, if so, directed by this Court and Police can conduct investigation while getting the applicant in deemed custody even after anticipatory bail. He also relied upon law laid down by Hon'ble Supreme Court of India in cases titled as '**Pradeep Ram vs. State of Jharkhand, 2019(3) RCR (Cri.) 538**' and '**Sushila Aggarwal vs. State and another, 2020(5) SCC 1**' in support of his arguments. Thereby, he prayed for grant of anticipatory bail to the applicant-accused.

5. On the other hand, learned Special Public Prosecutor for the State assisted by learned counsel for the complainant argued that applicant-accused is guilty of a heinous crime and as such he should not be granted anticipatory bail. Earlier when anticipatory bail was granted to applicant-accused, there was no offence under Section 302 IPC and it was added lateron. Initially there was no evidence with the investigating agency to

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show that deceased Balwant Singh Multani was murdered by applicant-accused and his Police team and as such offence under Section 302 IPC was not added to the list of offences. However, during investigation, two of the accused SI Jagir Singh and SI Kuldeep Singh became approver with permission of the Court and suffered statements before the Court under Section 164 Cr.P.C., wherein they categorically stated that Balwant Singh Multani was inhumanly tortured by applicant-accused himself and by the Police team under his instructions and he succumbed to the injuries suffered on account of inhuman torture given by applicant-accused and his team. Statements of some other witnesses, who were in custody in the same Police Station when Balwant Singh Multani was tortured were also recorded in that regard. Statements of officials posted at Police Station Qadian were also recorded, who stated that Balwant Singh Multani was never taken to said Police Station, which shows that infact he had died while in custody at Chandigarh. It was never stated by SI Jagir Singh or others that Balwant Singh Multani died on 13.12.1991 itself, as alleged. Moreover, Balwant Singh Multani was produced before SDM instead of Judicial Magistrate on 14.12.1991, which shows that entire show was managed by applicant-accused being SSP of Chandigarh Police at the relevant time. Therefore, there are several new facts, which are to be taken into consideration by this Court and this Court can review the order passed by its Predecessor. Delay is in-consequent in a case of direct evidence. Hon'ble Supreme Court had also given liberty to father of present complainant to take recourse to any

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other legal remedy and after death of his father, complainant had every right to move the complaint. Custodial interrogation of applicant-accused is necessary to recover dead body of Balwant Singh Multani and weapon of offence. They also relied upon law laid down by Hon'ble Supreme Court of India in the aforesaid citations produced by learned counsel for applicant-accused in support of their arguments. They further submitted that applicant-accused is an influential person. He remained DGP of the Punjab Police. During said period several allegations were leveled against him regarding inhuman torture. He had even interfered in the Judicial work by threatening Judges of Hon'ble High Court and tapping their telephones. In case custodial interrogation of applicant-accused is not allowed, he would try to interfere in the investigation process by using his influence. They also relied upon law laid down by Hon'ble Supreme Court of India in cases titled as '**Chand Devi Daga and others vs. Manju K.Humatani and others, (2018) 1 Supreme Court Cases 71, State represented by the CBI Vs. Anil Sharma 1997(4) RCR (Crl.) 268, Prahlad Singh Bhati vs. N.C.T. Delhi, 2001(2) RCR (Crl.) 377 and 'Dalbir Singh vs. State of U.P. and others, 2009(11) SCC 376 and the law laid down by Hon'ble Punjab and Haryana High Court in case titled as **Lachhman Dass Vs. State of Haryana, 1997(1) RCR (Crl.), 201** in support of their arguments. Thereby they prayed for dismissal of the bail application.**

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6. I have considered the rival contentions of learned counsel for both the parties and have gone through record carefully with their able

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assistance.

7. It is admitted case of both the parties that initially the aforesaid FIR was registered against applicant-accused and others under Sections 364, 201, 344, 330, 219 and 120-B IPC and applicant-accused was granted anticipatory bail in aforesaid offences by the Court of Ms.Monika Goyal, learned Addl.Sessions Judge, Mohali vide order dated 11.05.2020. Now the present bail application has been filed for grant of anticipatory bail as offence under Section 302 IPC has been added to the list of offences. Therefore, before going into other merits of the case, it is necessary to look into the evidence collected by the investigating agency after grant of anticipatory bail on 11.05.2020 and on the basis of which offence under Section 302 IPC has been added. Perusal of Police record shows that after grant of anticipatory bail to the applicant, Police got recorded statements of Gursharan Kaur Mann and Rajesh Rana under Section 164 Cr.P.C. Both of them have stated that on the intervening night of 13 /14.12.1991, deceased Balwant Singh Multani was tortured in Police Station Sector 17, Chandigarh. He was crying out of pain due to the torture given to him and blood was oozing out from his injuries. Gursharan Kaur Mann further stated that deceased was tortured by applicant-accused himself and other Police officials under his instructions. Two of the accused namely ASI Kuldeep Singh and ASI Jagir Singh became approvers and their statements were got recorded under Section 164 Cr.P.C. It was stated by ASI Kuldeep Singh that Balwant Singh Multani was picked up from his house in Phase-7, Mohali on

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11.12.1991. Thereafter, an FIR was registered against Balwant Singh Multani on 13.12.1991 by SI Harsahai Sharma under the instructions of applicant-accused. ASI Jagir Singh stated that on 13.12.1991, he had gone to Police Station Sector 17, Chandigarh in connection with some work, where he found that Balwant Singh Multani was being tortured by applicant-accused and his Police team. Both of them also stated that 2/3 days after 13.12.1991, they came to know that Balwant Singh Multani had died due to the injuries suffered by him and they were asked by applicant-accused to go to Qadian Police Station to cover up the matter and to show that Balwant Singh Multani had escaped from Police custody. They complied with the instructions and got registered FIR No.112 dated 19.12.1991, Police Station Qadian in this regard. Apart from that Investigating Agency has also recorded statements of atleast 4 Police officials namely Shivender Singh, Gurchain Singh, Harjit Singh and Anup Singh, who were posted at Police Station Qadian when deceased Balwant Singh Multani allegedly escaped from the Police custody. After seeing photograph of Balwant Singh Multani on the Police file, all of them stated that he was not the same person, who was brought to Police Station Qadian by a team of Chandigarh Police on 18.12.1991. Thereby, he was not Balwant Singh Multani who had escaped from the Police custody.

8. Therefore, Investigating agency has collected sufficient evidence to establish prima-facie involvement of applicant-accused in the abduction and murder of Balwant Singh Multani. Without doubt veracity of

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said witnesses and genuineness of statements made by them shall be determined during trial and their cross-examination, but at this stage there is prima-facie evidence against applicant-accused, which is to be considered while deciding a bail application. In this regard, it has been submitted by learned counsel for applicant-accused that Balwant Singh Multani was produced in a Chandigarh Court on 14.12.1991 to obtain his Police remand and thereafter he filed an application for bail on 17.12.1991 as is apparent from documents Annexure A-10 and Annexure A-11 on the bail file, which shows that neither he was tortured on 13.12.1991 as alleged, nor he died on account of that torture. On the other hand, Special Public Prosecutor for the State submitted that Balwant Singh Multani was not produced before a Judicial Officer and was rather allegedly produced before Sub Divisional Magistrate as applicant-accused being Senior Superintendent of Police was in a capacity to manage him. Bail application might have been filed on 17.12.1991 on behalf of the applicant-accused, but that does not mean that he was not tortured. Learned counsel for applicant-accused did not deny that Balwant Singh Multani was produced before a Sub Divisional Magistrate, but could not explain as to why Balwant Singh Multani was not produced before a Judicial Court, when there were several Judicial Courts at Chandigarh and as to why he was produced before Sub Divisional Magistrate. It was not stated by anybody that Balwant Singh Multani died immediately after the torture. Rather, it was stated by both ASI Kuldeep Singh and ASI Jagir Singh that Balwant Singh died 2/3 days after the torture

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on the intervening night of 13/14.12.1991, but they do not remember the exact date. Therefore, filing of application on 17.12.1991 does not mean that he was not tortured on 13/14.12.1991. Moreover, as discussed above, at this stage Court is to see only prima-facie evidence and discrepancies pointed out by learned counsel for applicant-accused are matter of trial.

9. Without doubt, there is unprecedented delay of 29 years in getting registered the present case, but that is not sufficient to falsify the entire prosecution case at the threshold. Court cannot loose sight of the fact that applicant-accused himself remained at the helm of affairs from the year 1991 when he was posted as Senior Superintend of Police, Chandigarh till June, 2018 when he retired as Director General of Police. It was not easy to take any action against him during that period. Moreover, legislature in its wisdom has not fixed any limitation for the offences punishable with sentence of more than 3 years. It means that an offence punishable with sentence of more than 3 years can be brought to light at any time and FIR cannot be discarded on this ground. Earlier when anticipatory bail was granted to the applicant-accused by the learned Court, there was no direct evidence against applicant-accused and rather the FIR had been registered mainly on the basis of suspicion. This was the reason that he was granted bail by the said Court due to delay in getting lodged the FIR. Once there is prima-facie direct evidence on the record to show direct or indirect involvement of applicant-accused in the occurrence, delay in lodging the FIR and political vendetta, if any, as alleged by learned counsel for applicant-

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accused shall be determined during trial and are inconsequential at this stage.

10. Learned counsel for applicant-accused vehemently argued that earlier an FIR was registered against applicant-accused regarding the same occurrence, but said FIR was quashed by Hon'ble Supreme Court of India. Now applicant-accused cannot be tried for the same offence again and it would amount to double jeopardy. Perusal of judgment passed by Hon'ble Apex Court in case titled as '**State of Punjab Vs. Devinder Pal Singh Bhullar and others, 2012(1) RCR CrI. 126**', vide which earlier FIR registered against applicant-accused was quashed shows that earlier FIR registered against applicant-accused was quashed by Hon'ble Supreme Court on technical grounds observing that procedure adopted by Hon'ble High Court for getting registered the FIR was not correct. However, liberty was given to applicants of that case i.e. Darshan Singh Multani, father of deceased Balwant Singh Multani and present complainant to take recourse to fresh proceedings, if permissible under law. Therefore, Hon'ble Apex Court had not quashed the FIR on merits. Had it been the intention of Hon'ble Apex Court to put an end to the matter, it could have finally disposed of the matter, without any liberty as discussed above. Moreover, as rightly observed by learned Court while deciding earlier bail application, question of jeopardy shall be determined during trial.

11. This Court also does not find any merit in the submission made by learned counsel for applicant-accused that present complainant had no locus-standi to file the complaint as Hon'ble Apex Court had given liberty to

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file fresh complaint only to father of deceased. It is not disputed that father of deceased namely Darshan Singh Multani had expired in the year 2014. Present complainant being son of Darshan Singh Multani has stepped into his shoes after his death. Moreover, criminal law can be set into motion by any person.

12. It has also been contended by learned counsel for applicant-accused that an equivalent Court has already granted anticipatory bail to the applicant-accused taking into consideration all the facts and circumstances of the case and this Court cannot recall or review order passed by its equivalent Court. I have considered this submission made by learned counsel for applicant-accused, but find myself unable to agree with the same. Present bail application has been filed after addition of offence under Section 302 IPC as certain more evidence has been collected by the Investigating Agency. Once, a new and grievous offence is added to the list of offences, Court can reconsider the matter in view of the new circumstances. Learned counsel for applicant-accused himself has relied upon law laid down by Hon'ble Supreme Court of India in case titled as '**Pardeep Ram vs.State of Jharkhand (supra)**' wherein it has been observed by Hon'ble Apex Court that once bail has been granted to the accused, he cannot be arrested by the Police for a new offence in the same case without permission of the Court. It clearly shows that when a new offence is added in a case, Court has a right to reconsider its decision in the light of fresh circumstances. It has been further observed in para No.27 of the judgment of said case as under:-

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“Investigating authorities themselves may not proceed to arrest the accused and need to obtain an order from the Court, which has released the accused on bail. It is also open for the accused who is already on bail and with regard to whom serious offences have been added to apply for bail in respect of new offences added and the Court after applying the mind may either refuse the bail or grant the bail with regard to new offences. In case bail application of the accused for newly added offences is rejected, the accused can very well be arrested. In all cases, where accused is bailed out under orders of the Court and new offences are added including offences of serious nature, it is not necessary that in all the cases earlier bail should be canceled by the Court before granting permission to arrest an accused on the basis of new offences”.

Said observations of Hon’ble Supreme Court have been approved by a Constitutional Bench of Hon’ble Supreme Court in case titled as ‘**Sushila Aggarwal vs. State of Delhi (supra)**’. Similar observations have also made by Hon’ble Apex Court in another case titled as ‘**Hamida vs. Rashid and others, 2008(1) SCC 474**’.

13. In view of my findings above, it can be safely held that there is prima-facie sufficient evidence on the record to show direct or indirect involvement of applicant-accused in the abduction and murder of Balwant Singh Multani who was in custody. Therefore, Balwant Singh Multani died while he was in Police custody and it has been held by Hon’ble Supreme Court of India in case titled as ‘**Dalbir Singh vs. State of U.P and others(supra)**’ that death in Police custody is one of the worst kind of crimes in a civilized society and Court must deal with such cases in a realistic manner and with sensitivity. It has been further held that in case of Police torture or custodial death, there can be rarely any direct ocular

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evidence, which can explain the circumstances. In another case titled as '**Prahlad Singh Bhati vs. NCT Delhi (supra)**', it has been held by Hon'ble Apex Court that once a new offence is added, accused has to seek fresh bail and benefit of earlier bail is not available to the accused. Further that with the change of nature of the offence, the accused becomes disentitled to liberty already granted to him in the minor offence and while granting the bail, Court should keep in mind nature of accusations, nature of evidence in support thereof and severity of punishment apart from character and behaviour of accused.

14. Now another question to be determined in this case is whether custodial interrogation of applicant-accused is necessary in this case or not. It has been argued by learned counsel for applicant-accused that further investigation can be conducted by taking the applicant-accused in deemed custody while he is still on anticipatory bail as observed by Hon'ble Supreme Court in **Sushila Aggarwal's case supra**. I have considered this submission made by learned counsel for applicant/accused, but do not find any substance in the same. There can be no dispute regarding law laid down by Hon'ble Apex Court in the aforesaid citation, but custodial interrogation is always more effective. Similar observations have been made by Hon'ble Supreme Court of India in case titled as '**State represented by CBI vs. Anil Sharma (supra)**' wherein it has been held that custodial interrogation

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is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail and custodial interrogation is always more advantageous for

getting useful information. In the case in hand, custodial interrogation of applicant-accused is required to search dead body of victim Balwant Singh Multani, to know the manner in which the body was disposed off and weapon of offence used for committing the crime. It would not be out of place to mention here that applicant-accused being retired Director General of Police, must be wielding great influence in the Police Department as most of the officials of the department have worked under him. In almost similar circumstances, it was observed by Hon'ble Punjab and Haryana High Court in case titled as '**Lachhman Dass vs. State of Haryana(supra)**' that as applicants guilty of custodial death / murder remained Director General and Sub Inspector of Police, their application for anticipatory bail cannot be allowed as they can take advantage of their position and cause hindrance to the proper investigation.

15. Keeping in view my above observations, applicant-accused Sumedh Singh Saini is guilty of a heinous crime and does not deserve extraordinary relief of anticipatory bail. His custodial interrogation is necessary to further investigate into the matter. Therefore, without commenting upon other merits of the case, I hereby dismiss this bail application. However, observations made above shall have no bearing on the merits of the case. Police record be returned. Bail file be consigned to the record room.

Pronounced
Dated:01.09.2020

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Sd-
(Rajnish Garg)
Additional Sessions Judge,
SAS Nagar (Mohali)

133/01.09.20
Date of Application
Name of Applicant
M. No. of District
M. No. of FOC
Date of preparation
Date of Delivery

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