

202-A

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

CRM-M-15439-2015

Date of decision: 27.05.2015

Prem Kartar Singh and anr.

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.S. Mann, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Pardeep Rajput, Advoca terrece
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.312 dated 12.11.2014 under Sections 447, 427, 379, 506, 34 IPC, registered at Police Station Cantonment, District Amritsar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioners submits that in compliance of the order dated 14.05.2015 passed by this Court, parties appeared before the Mediation and Conciliation Centre but they could not arrive at an amicable settlement. However, petitioners have joined the investigation at more than one occasions and they are no more required for the purpose of any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Tarsam Singh, Police Station Cantonment, District Amritsar, submits that petitioners have although joined the investigation but they did not cooperate because of which no recovery could be effected. He further submits that petitioners as well as his co-accused are involved in two more FIRs of similar nature which shows that they are habitual offenders. He further submits that since the petitioners have been trying to misuse the process of law, they are not entitled for the concession of anticipatory bail. He prays for dismissal of the present petition.

Similarly, while supporting the arguments raised by learned counsel for the State, learned counsel for the complainant vehemently opposes the present petition, contending that the mediation proceedings failed because the petitioners did not cooperate. They never intended to settle the matter amicably because they were misusing the interim protection granted by this Court. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given facts and circumstances of the case, petitioners have not been found entitled for the discretionary relief of anticipatory bail, at the hands of this Court. It is so said because despite having been granted more than one opportunities, petitioners could

neither settle the matter amicably with the complainant side nor they cooperated with the investigating agency. Further, they have been found involved in more criminal cases of similar nature which prima facie shows that they are habitual offenders.

In view of the above and without commenting anything further, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

27.05.2015
vishnu