

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.19372 of 2014

Date of Decision:28.01.2015

Maninderbir Singh

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.ADS Sukhija, Advocate,
for the petitioner.**

**Mr.Gautam Dutt, Addl.PP,
for U.T., Chandigarh.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other main co-accused, namely, Ramnish, Harvinder, Sukhdev Singh @ Baba, Sukhjinder Singh @ Billa, Prabhjot Singh and Sunil etc., vide FIR No.33 dated 18.01.2014, on accusation of having committed the offences punishable under Sections 365, 364-A, 120-B IPC and Sections 25 & 27 of The Arms Act, by the police of Police Station Sector 39, Chandigarh.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, a Coordinate Bench(T.P.S.Mann, J.) of this Court passed the following order on August 21, 2014:-

“After obtaining instructions from ASI Sarwan Ram, learned Additional Public Prosecutor for UT, Chandigarh submits that the person of the petitioner is required for taking his voice sample and also for recovery of the ransom amount.

Adjourned to 4.12.2014.

In the meantime, the petitioner shall appear before the Investigating Officer on 28.8.2014 at 11.00 a.m. and join the investigation. In the event of his arrest, he be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction. He shall, however, abide by all the conditions as envisaged by Section 438(2) Cr.P.C.”

Not only that, the petitioner was again directed to join the investigation by way of order dated December 04, 2014 and order dated January 08, 2015 by this Court.

5. At the very outset, on instructions from SI Yashpal Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. Sequel, learned counsel for U.T., Chandigarh, has admitted that there is no direct or indirect evidence available on record against the petitioner, except phone calls, which would reveal that he was present in Amritsar at the relevant date of occurrence. It is not a matter of dispute that the investigating agency has already obtained voice sample of the petitioner. Moreover, neither name of the petitioner is mentioned nor any specific role or particular part is attributed to him in the FIR. All the main allegations of commission of indicated offences are assigned to main accused Ramnish, Harvinder and

other co-accused, who were earlier known to the complainant and their names are mentioned in the FIR(non-petitioners).

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by means of order dated August 21, 2014 of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C. However, the petitioner is directed to join the investigation as and when required to do so by the investigating agency, failing which, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail.

January 28, 2015
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(MEHINDER SINGH SULLAR)
JUDGE