

In the High Court of Punjab and Haryana at Chandigarh

CRM M-21754 of 2015
Date of Decision: July 08, 2015

Sandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 12 dated 12.01.2015, under Sections 354, 420, 506 of the Indian Penal Code, registered at Police Station Jandiala Guru, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner contends that second FIR cannot be registered. Earlier FIR No. 43, dated 12.03.2014 was registered against the petitioner at Police Station Jandiala Guru. Present FIR No. 12 dated 12.01.2015 registered at Police Station Jandiala Guru is arising from the same transaction. Learned counsel refers to the statement under Section 161 Cr.P.C. allegedly recorded during investigation of FIR No. 43

dated 12.03.2014 in which challan has already been presented. Learned counsel further relies upon a judgment of Hon'ble Surpeme Court in **T.T. Antony vs. State of Kerala, 2001(3) R.C.R. (Criminal) 436**, to contend that two FIRs regarding the same incident cannot be registered.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

So far as lodging of FIR is concerned, this is not the matter in issue before this Court. This can only be challenged independently. Here the petitioner has approached for anticipatory bail. In fact, the complainant moved an application dated 02.01.2014 before the police authorities regarding snatching of cheque books and ATM Card and misbehaviour by the petitioner. Said complaint was not investigated nor any FIR was registered. However, FIR No. 12 has been registered on 12.01.2015 on the basis of that complaint. It was the first and independent occurrence, which was required to be investigated. Another FIR No. 43 was registered on 12.03.2014 on the complaints of various persons where the alleged signatures of the complainant in FIR No. 12 were also there. The fact has come on record that during the investigation of FIR No. 43 dated 12.03.2014, four cheques and ATM Card of the complainant have been recovered from the petitioner. Though the complaint was made much earlier, but FIR No. 12 has been registered on 12.01.2015, whereas incident of FIR No. 43, where other persons are also involved, is subsequent. The petitioner is not entitled to claim that this is a second FIR

for that purpose. It is altogether an independent occurrence. Not only this, there are allegations levelled in FIR No. 12, regarding which complaint was made on 02.01.2014 that petitioner misbehaved with the complainant and offence under Section 354 IPC was alleged to have been made out in addition to other offences. For the reasons best known to the police officials, FIR was not registered though the offences are cognizable.

Keeping in view the serious allegations levelled against the petitioner with regard to misbehaviour with complainant, snatching the cheque books and ATM Card, which have been recovered during investigation in subsequent FIR No. 43, which relates to the separate incident, petitioner is not entitled to concession of anticipatory bail.

So far as judgment in **T.T. Antony** (supra) cited by the learned counsel for the petitioner is concerned, this cannot be considered at this stage. Even otherwise, the judgment is not applicable to the facts of the present case, because the occurrence in FIR No. 12 has taken place on 02.01.2014 and subsequent FIR No. 43 which has been registered on 12.03.2014 relates to second independent occurrence.

In view of above, no ground for grant of anticipatory bail is made out.

Dismissed.

July 08, 2015
vkd

[Paramjeet Singh]
Judge