

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

**C.R.M-M No.28206-2015 (O&M)
Date of Decision : 31.08.2015**

Sucha Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Parmod Kumar Nagpal, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.36 dated 27.05.2015 under Section 174-A IPC registered at Police Station Ghagga, District Patiala.

The allegations are that the petitioner was declared a proclaimed offender and when arrested was produced before the Court. The Court directed the police to start proceedings under Section 174-A IPC. In the main case the petitioner has been released on bail.

Learned counsel for the petitioner has argued that once the petitioner has been released on bail in the main case and is facing trial under Section 174-A no custodial interrogation is required and in case

the petitioner is found guilty he would be liable to suffer whatever punishment be imposed on him.

Learned Additional Advocate General on instructions from ASI Mahadev Singh has accepted the factual submissions but has alleged the fact that the petitioner is on bail in the main case would have no bearing because Section 174-A operates independently of the main offence which any accused may be tried for. No doubt this fact is there but in the totality of the circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

31.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**