

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-31858-2015

Date of decision: December 05, 2015

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.S. Gandhi, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 120-B IPC at Police Station Patti, District Tarn Taran, vide FIR No.143 dated 02.06.2012.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. He submits that earlier petitioner was granted ad-interim anticipatory bail by Addl. Sessions Judge, Tarn Taran, but he could not join investigation for the reason that he had to leave for Uttar Pradesh.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioner are serious and thus, he does not deserve the concession of pre-arrest bail. He submits that petitioner did not join investigation intentionally and therefore, his second

application for grant of pre-arrest bail has already been dismissed by Addl. Sessions Judge, Tarn Taran.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint made by Ashok Kumar, wherein it has been alleged that petitioner alongwith co-accused Jagir Singh etc. prepared false documents and tried to take possession of the land in question. Complainant filed civil suit wherein said documents were declared fake and the same was decided in favour of the complainant on 18.9.2008. Accused went in appeal but same was also dismissed with costs. They did not follow orders of the courts and tried to take possession of the land forcibly, which belongs to a trust. Petitioner was granted concession of ad-interim pre-arrest bail but failed to join investigation, therefore, his second petition for pre-arrest bail has already been dismissed by Addl. Sessions Judge, Tarn Taran.

Keeping in view the conduct of the petitioner, I am of the considered view that he is not entitled to concession of pre-arrest bail. His custodial interrogation may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 05, 2015
'Rajpal'