

103-6

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

CRM-M-330 of 2015

Date of decision: January 12, 2015

Jaspal Singh alias Pal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajvir Singh, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in complaint No.31 dated 03.10.2012, under Sections 436, 427, 451, 395, 353, 186, 148, 149 of the Indian Penal Code, 1860 ('IPC' for short).

Learned counsel for the petitioner has submitted that qua the same occurrence, FIR No. 28 dated 10.06.2012, under Sections 353, 186, 436, 427, 451, 148, 149 IPC, was registered at Police Station Joga, District Mansa. In the said case, accused were granted anticipatory bail.

Notice of motion.

Mr. L.S. Sidhu, Advocate has appeared and accepted notice on behalf of respondent No.2.

Learned counsel for the respondent No.2 has submitted that the offence committed by the petitioner was serious in nature.

Admittedly, qua the same occurrence, FIR No. 28 dated 10.06.2012, under Sections 353, 186, 436, 427, 451, 148, 149 IPC, was registered at Police Station Joga, District Mansa at the instance of Assistant Sub Inspector Harnek Singh.

In Crl. Misc. No.M-3318 of 2014 filed by accused Gurpreet Singh and others seeking anticipatory bail, following order was passed by this Court on 19.05.2014:-

“This order shall dispose of CRM-M No. 3318 of 2014 titled as 'Gurpreet Singh and others Vs. State of Punjab', CRM-M No. 4717 of 2014 titled as 'Happy Singh and another Vs. State of Punjab' and CRM-M No. 8928 of 2014 titled as 'Sukhpal Singh Vs. State of Punjab' as all these petitions have been preferred under Section 438 Cr.P.C. seeking the benefit of anticipatory bail to the petitioners in case FIR No. 28 dated 10.06.2012, under Sections 353, 186, 436, 427, 451, 148 and 149 IPC, registered at Police Station Joga, District Mansa.

On 29.01.2014, while issuing notice of motion in CRM-M No. 3318 of 2014, the following order was passed by this Court :-

“Heard.

As per the allegations in the FIR the petitioners no.1, 3 to 6 were part of a mob headed by Happy, Bittu, petitioner No.2- Harpreet Singh and some other persons. They entered the house of Narinder Singh and caused damage there, despite the request of the complainant and ASI Harnek Singh, who was there with the police contingent to stop them from entering the house of Narinder Singh.

Notice of motion for 19.05.2014.

Meanwhile, the petitioners are directed to surrender before the Police and join the investigation. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of the Arresting Officer, subject to the condition that the petitioners shall join investigation as and when required by the police and shall also comply with other conditions specified in Section 438 (2) of the Code of Criminal Procedure, failing which the petitioners shall lose the benefit of interim bail.”

Since the allegations against the petitioners in other two connected petitions were similar, accordingly, identical notice of motion orders were

issued in other two petitions i.e. on 17.02.2014 in CRM-M No. 4717 of 2014 and order dated 13.03.2014 in CRM-M No. 8928 of 2014.

Learned State counsel upon instructions from ASI Malkeet Singh would apprise the Court that all the petitioners in these connected petitions have since joined the investigation. Learned State counsel would further submit that the investigation has since been completed and even the final report under Section 173 Cr.P.C. has been presented and now the matter is fixed before the trial Court on 02.06.2014 for framing of charges.

In view of the factual matrix noticed here-in-above, the present petitions are allowed. Order dated 29.01.2014 passed in CRMM No. 3318 of 2014, order dated 17.02.2014 in CRM-M No. 4717 of 2014 and order dated 13.03.2014 in CRM-M No. 8928 of 2014 are made absolute.

Petition stands disposed of, accordingly”

Since in the state case, accused have been granted anticipatory bail by this Court, this petition is liable to be allowed.

Accordingly, this petition is allowed. In case, petitioner surrenders before the trial Court within ten days from today, he be released on bail subject to the satisfaction of the trial Court.

**(SABINA)
JUDGE**

January 12, 2015

m.singh