

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr.Misc. M 35814 of 2014
Date of decision:- 20.2.2015

Sandeep Pahwa

Petitioner

vs.

State of Punjab and anr

Respondent

Present: Mr. Puneet Sharma, Advocate.
Mr. CS Brar, DAG, Punjab

M.M.S.BEDI,J.

This is a second petition for pre-arrest bail, first having been dismissed on 6.10.2014 inter alia on the ground that the petitioner was involved in 8/9 other criminal cases.

Learned counsel for the petitioner has submitted that when the earlier petition for pre-arrest bail was disposed of, the petitioner could not clarify the fact that out of 9 cases mentioned, the petitioner stood acquitted in 3 cases; he was not nominated in 2 cases and he was involved only in 3 cases, which were not under the NDPS Act.

Learned State counsel, on the instructions of ASI Ramesh Kumar, has insisted that 4 cases are still pending against the petitioner, including the present one. He has also argued that the complainant and wife of the deceased have furnished affidavits, copies of which have been appended with the petition as Annexures P-16 and P-17, to state that the petitioner has been involved in the case under the influence of persons living in the neighbourhood and that it was a misguided suspicion, which led the complainant to involve the petitioner in the case.

I have taken into consideration the facts and circumstances of the case. There is no dispute that the petitioner has got history of number of criminal cases, having been registered against him. The FIR in the present case is of July, 2014. The petitioner has been able to evade his arrest till date. It will not be appropriate for this court to enter into the authenticity of the favourable affidavits (Annexures P-16 and P-17) as it will not be feasible for this court to decide whether the affidavits are the result of an abuse of the liberty or these have been furnished voluntarily. No fresh ground is made out to grant the pre-arrest bail to the petitioner in the second petition.

Dismissed. However, it is observed that the documents, appended with the petition at this stage and the other circumstances, pointed out by the counsel for the petitioner, may constitute a good ground for seeking the concession of regular bail by either surrendering before the Illaqa Magistrate or the investigating officer. The said documents may be used by the petitioner to his benefit by filing a regular bail application before the court of competent jurisdiction. It is expected that in case the petitioner surrenders and seeks the concession of regular bail, the concerned court will dispose of the bail application expeditiously, preferably within three to five days.

Dismissed.

February 20 , 2015
TSM

(M.M.S.BEDI)
JUDGE