

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

**Criminal Misc. No. M-37421 of 2015
Date of decision: 04.11.2015**

Paramjit Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for respondent No.1 – State.

Mr. Naresh Jain, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner-Paramjit Singh in complaint case No.118-1 dated 01.07.2014 titled as "*Kuldeep Kaur vs. Manvinderbir Singh and others*" pending before Sub Divisional Judicial Magistrate, Malout.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The petitioner has wrongly been summoned by learned Sub Divisional Judicial Magistrate, Malout being Incharge of CIA Staff whereas he was one of the members of the raiding party and son of

respondent No.2 was arrested in a case under NDPS Act. Learned counsel also submits that the address mentioned in the record of the Hotel was different and wrong averment has been made in the complaint. The son of respondent No.2 is a habitual offender as several cases under NDPS Act are registered against him since 2008. The present complaint has been filed just to put pressure upon the petitioner and other Police officials just to create defence.

Learned State counsel as well as learned counsel for respondent No.2 oppose grant of anticipatory bail to the petitioner on the ground that specific allegations are there against him and other accused.

Learned counsel for respondent No.2 submit that the allegations levelled in the complaint have been proved in the scientific investigation and all documents have been proved on the basis of call details of ASI Paramjit Singh, DSP Manvinderbir Singh and Head Constables Kuldeep Singh and Talwinder Singh.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the complaint and other documents on the file.

As per allegations levelled in the complaint, the details of Ex.C35 shows that the sim of mobile phone of petitioner was used in the mobile of co-accused-Talwinder Singh, which is also clear from Ex.C6. The same has even been corroborated by the entry in the record of the Hotel as son of respondent No.2 was sitting in the Hotel.

The voice of the petitioner has been proved from CD Ex.C10 and Ex.C11. On the basis of scientific investigation, the petitioner has been summoned in the complaint.

As per allegations levelled in the complaint, the complainant and her daughter-in-law were present in the house and some of the Police officials including the petitioner entered into her house and took them away to the Police Station without associating any lady constable. There is specific allegation of withdrawal of the amount from the account of son of respondent No.2. In spite of order passed by the Court, the petitioner did not join the Court proceedings. Earlier bailable warrants were issued and thereafter, non-bailable warrants were issued. Now proclaimed offender proceedings have been initiated against the petitioner as he has not joined the Court proceedings in spite of service.

From the conduct of the petitioner as well as the specific allegations levelled against him, no ground is made out to grant anticipatory bail to the petitioner and the petition being devoid of any merit is dismissed.

However, in case, the petitioner surrenders before the trial Court, join the Court proceedings and moves an application for grant of regular bail, the same shall be decided by the trial Court in accordance with law.

04.11.2015
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(DAYA CHAUDHARY)
JUDGE