

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-40548 of 2014

Date of Decision:- 14.01.2015

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Mandeep K. Sajjan, Advocate,
for the petitioner.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

**Mr. Arshdeep Singh Brar, Advocate
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.164 dated 30.10.2014, on accusation of having committed the offences punishable under Sections 409 and 120-B IPC, by the police of Police Station Kote Ise Khan, District Moga.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on November 27, 2014: -

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated by the complainant on account of dispute of truck union at the instance of ruling party in this case as well as in another case registered against him and his other co-accused, vide FIR No.146 dated 25.09.2014. The argument is that the interim bail was granted to the petitioner in the earlier case by this Court. As soon as, the petitioner has gone to join the investigation, in pursuance of the order of this Court, the police threatened him to arrest in the present case, without any cogent reasons. The argument further proceeds that even offence punishable under Section 409 IPC was illegally added in order to enhance the gravity of the crime. Moreover, nothing is to be recovered from the petitioner.

Heard.

Notice of motion be issued to the respondent, returnable for 10.12.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Kashmir Singh, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous conviction in any other criminal case. All the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on

merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

January 14, 2015
naresh.k

(**MEHINDER SINGH SULLAR**)
JUDGE