

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43317 of 2014

Date of decision: July 17, 2015

Lakhan

.... Petitioner..

Versus

State of Punjab

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Shivya Sehgal, Advocate for the petitioner.

ASI Kulwinder Singh along with
Mr. Deepak Garg, A.A.G., Punjab for respondent-State.

Jaspal Singh, J.(Oral)

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Lakhan-petitioner, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No. 60, dated 04.05.2014, under Sections 452, 323, 324, 148 and 149 IPC, registered at Police Station Division No. 7, District Ludhiana.

2. Vide order dated January 27, 2015, passed by a coordinate Bench of this Court, the following order was passed:-

“The learned counsel for the petitioner contends that it is a case of version and cross-version. The injuries attributed to the petitioner are simple in nature and on the non-vital part.

The learned State counsel informs that the petitioner is involved in two more cases, viz. FIR No.177 of 2013 under Sections 323, 341, 506, 148, 149 IPC, registered at P.S. Divn. No.6, Ludhiana, and FIR No.166 dated 19.09.2010, under Sections 382, 452, 436, 323, 506, 148, 149 IPC, at P.S. Divn. No.6, Ludhiana.

In the circumstances, the petitioner is allowed to join

the investigation.

List again on 26.02.2015.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. that he shall make himself available for interrogation by a police officer as and when required;*
- 2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. that he shall not leave India without previous permission of the Court.”*

3. Vide aforesaid order, petitioner was directed to make himself available for interrogation before police officer as and when required and thereafter, case was adjourned to 26.02.2015, but he did not join the investigation. Again at the request of learned counsel for the petitioner, case was adjourned to 26.03.2015 and petitioner was directed to join the investigation on 27.02.2015 but he again did not opt to join the investigation. Thereafter, also case was adjourned to 21.05.2015 and then for today i.e. 17.07.2015, but despite the fact that he was granted the concession of interim bail, he did not join the investigation. In fact, it appears that petitioner is involved in other large number of cases.

So, in the given circumstances, petitioner does not deserve the concession of pre-arrest bail, which is otherwise required to be granted in rarest of rare cases.

Accordingly, petition stands dismissed.

July 17, 2015
sonika

(JASPAL SINGH)
JUDGE