

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

(209)

CRM-M-30901-2016

Decided on: October 26, 2016.

Arvinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.S. Rai, Sr. Advocate, with
Mr. Mohinder S. Nain and Mr. Deepinder Brar, Advocates,
for the petitioner.

Mr. K.S. Nalwa, Addl. A.G., Punjab.

M.M.S. BEDI, J (ORAL)

This is second application for grant of pre-arrest bail, first having been dismissed on 14.01.2016 considering the merits.

Learned counsel for the petitioner when confronted as to what changed circumstances warrant consideration of second bail application, it is submitted that the order declaring the petitioner proclaimed offender, has been set aside by this Court and that the material witness Surjit Singh who had seen co-accused of the petitioner Jaspal Singh handing over money to the petitioner, has turned hostile and that there is no other evidence available against the petitioner except for the statement of Surjit Singh. It has also been argued by learned counsel for the petitioner that the petitioner has been involved in the case on the basis of disclosure statement of co-accused of the petitioner namely Jaspal Singh. It is urged that even Jaspal Singh does not disclose the name of the petitioner in his alleged disclosure statement.

I have considered the contentions of learned counsel for the petitioner that the name of the petitioner is not mentioned in the alleged disclosure statement which is only a statement under Section 27 of the Evidence Act. I have also considered the factum of witness Surjit Singh having turned hostile.

The petitioner having earlier been declined concession of bail and having waited till the time Surjit Singh turned hostile, cannot be permitted to hoodwink the process of law. On merits, he may be entitled to concession of regular bail but I do not find any extraordinary exceptional circumstances to grant him concession of pre-arrest bail by entertaining the second application.

Without expression of any opinion on merits of the case, at this stage, this second application for pre-arrest bail is dismissed without prejudice to the right of the petitioner to surrender before the Illaqa Magistrate and seek concession of regular bail in accordance with law from the Court of competent jurisdiction. It will be appreciated, in case, application of the petitioner for regular bail, after his surrender, is decided expeditiously preferably within one or two days.

(M.M.S. BEDI)
JUDGE

October 26, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No