

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

Sr. No. 229

C.R.M-M No.44301 of 2016

Date of Decision : 23.12.2016

Gurjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajvir Singh, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

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AJAY TEWARI, J. (Oral)

Pursuant to the order dated 21.12.2016, Mr. Lakhbir Singh, DSP is present in the Court with the affidavit of Mr. Manvir Singh Bajwa, PPS, Deputy Superintendent of Police, District SAS Nagar. He stated that on the last date of hearing none could not come present to assist learned DAG because inadvertently wrong date was noted down.

Explanation is accepted.

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.109 dated 08.06.2016 registered under Sections 212, 216, 382 IPC and 25/5/59 Arms Act at P.S. Kharar, District SAS Nagar.

As per the allegations the police had received a secret information that some gangsters of area Mohali were present for the purpose of gang war and for looting patrol pump. On the basis of secret information those persons were arrested.

On the last date, the case was adjourned to enable State to place on record antecedents of the petitioner. In the affidavit filed today itself, it has been disclosed that the petitioner was an accused in 9 cases and in 5 cases, he was acquitted on the basis of compromise and remaining are still under investigation. It is not case of the State that he has been convicted in any case. In these circumstances, it is difficult to accept the categorization that the petitioner's antecedents are not clear at this stage.

Learned DAG on instructions from Investigating officer has

accepted these factual assertions.

In this circumstances, without commenting upon the merits of the case I do not deem it appropriate to dismiss the petition. Resultantly, the petition is allowed. The petitioner is directed to appear before the Investigating Officer on 29.12.2016 or any other date as and when his presence is required. In the event of arrest of the petitioner, he will be released on anticipatory bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

December 23, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No