

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-6111 of 2016

Decided on: February 29, 2016.

Jaskaran Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

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

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

The petitioner apprehends concession of pre-arrest bail in case FIR No.180 dated 06.12.2015 pertaining to the incidents between 15.10.2015 to 25.10.2015 registered on the basis of a secret information received by ASI Gurpreet Singh to the effect that the petitioner alongwith other persons armed with weapons like swords had obstructed National Highway on the bridge of Hari Ke head and had stopped the movement of the traffic besides installing banners of Khalistan. No FIR was registered till 06.12.2015 pertaining to the incident of 15.10.2015. It is pertinent to observe here that the petitioner was arrested in FIR No.151 dated 12.11.2015 registered at Police Station, Chatiwind, District Amritsar on 16.11.2015.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case pertaining to an incident which is much prior to the incident dated 10.11.2015 in which the petitioner is still in custody.

I have heard learned counsel for the parties and carefully gone through the records. It appears that pertaining to an incident dated 15.10.2015, the State police already had an information but when the petitioner was produced in the Court in another FIR No.151 dated 12.11.2015 registered at Police Station, Chatiwind, the intimation was not given to the Court or to the petitioner that he was required to be arrested pertaining to another incident of similar nature pertaining to a previous date i.e. 15.10.2015.

Learned State counsel has contended that since the incident of 15.10.2015 pertains to District Ferozepur, as such, it cannot be expected that the information would be available pertaining to that incident to the police of Chatiwind, District Amritsar.

I have heard counsel for the petitioner and State counsel. Since the petitioner while in custody has been involved in a case pertaining to an incident of a prior date, it will be debatable whether the prosecution agency of Amritsar did not have any intimation regarding involvement of the petitioner in the earlier incident. The Apex Court in **Uday Chand vs. Shiekh Modh. Abdullah, Chief Minister J&K, 1983 SCC (Criminal) 529** and **A. Loso vs. State of Manipur, 1988 Criminal Law Journal 1498** has held that it will be obligatory for the police to disclose the particulars of pending case or cases to the Magistrate at the time of the production of accused after arrest. Since the petitioner is already in custody in another case and he apprehends arrest in FIR No.180 dated 06.12.2015 under Sections 283/341/427/ 188/186/431/148/149 IPC, 25/27 of Arms Act and 8-B of National Highway Act, 1956, registered at Police Station Makhoo, District Ferozepur, he can be granted concession of pre-arrest bail in this

case. It is ordered that in case of arrest of petitioner in abovesaid case, he shall be released on bail to the satisfaction of the Arresting Officer subject to the conditions that he will join investigation as and when required by the police and will not tamper with evidence or hamper the investigation. In case of violation of any of the above said conditions, it will be open to prosecution agency to approach this Court to cancellation of bail.

February 29, 2016*Dinesh***(M.M.S. BEDI)
JUDGE**