

203

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

CRM-M-14021-2017

Date of Decision : 22.05.2017

AMANDEEP SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab
for the respondent/State assisted by ASI-Sh. Bashir.

Mr. Ashok Bhardwaj, Advocate
for the complainant.

AMOL RATTAN SINGH, JUDGE (ORAL)

Pursuant to the order dated 17.05.2017, another affidavit of Shri Mandeep Singh Sidhu, Senior Superintendent of Police, District Sangrur, has been filed in Court today by learned State counsel, in which it is stated that a departmental inquiry has been initiated against Inspector Jagbir Singh, former SHO of Police Station Sadar, Ahmedgarh, which has been entrusted to the Superintendent of Police (Head Quarters), Sangrur, to be finalized within one month.

Learned counsel for the petitioner, however, submits that as a matter of fact, the entire case has been planted on the petitioner, with the real culprits being one Jagdish Kaur and allegedly another person, Krishan, the latter of whom is stated to have absconded, allegedly being abroad.

Learned State Counsel, on the other hand, submits that there are other similar cases registered against the petitioner and in fact he was wrongly declared to be innocent by the SHO aforementioned and thereafter, as per the report of the Special Investigation Team, he has been found at this stage to be involved in other offences.

Learned counsel for the complainant reiterates that as a matter of fact it is the complainant who is suffering, simply because of lack of investigation at the first stage.

Learned counsel for the petitioner has also relied upon a judgment of the Supreme Court in 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and another', 2012(1) SCC (Cri) 681, and one of a co-ordinate Bench of this Court in 'Akash and another Vs. State of Punjab' 2015 (6) RCR (Criminal) 464, with regard to the principles governing the grant of anticipatory bail.

In Maulana Mohd. Amir Rashadi's case (supra), it was held that anticipatory bail should not be simply rejected on account of other criminal cases pending against an accused, but the Court would go into the issue of the allegations against the petitioner in each given case.

Having considered the aforesaid, the Special Investigating Team, prima facie, having found the petitioner involved in the offence, and the affidavit of the Superintendent of Police himself stating that the petitioner was wrongly 'discharged' at the first instance, without making any comment on the actual merits of the case for or against the petitioner, I do not consider it to be an appropriate case where the interim order dated 25.04.2017 should be continued.

Consequently, this petition is dismissed and the interim order dated 25.04.2017 is vacated.

However, upon the petitioner surrendering before the trial Court and presenting an application under Section 439 Cr.P.C., seeking 'regular bail', it would be considered on its own merits.

(AMOL RATTAN SINGH)
JUDGE

May 22, 2017

dk kamra/rajneesh

Whether speaking/reasoned:	Yes
Whether reportable:	No