

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

Hemlata
2017.12.22 15:22
I attest to the accuracy and
integrity of this document

CRM-M-48206-2017(O&M)
Date of decision:22.12.2017

Gurbaksh Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S.Ahluwalia, Advocate, for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioners in case FIR No.187, dated 11.11.2017, under Sections 406, 420, 467, 468, 471, 167 and 120-B of IPC, registered at Police Station Sadar Patti, District Tarn Taran.

Counsel for the petitioners submits that with regard to the same set of allegation, earlier an FIR No. 41, dated 30.04.1999 was registered at Police Station Patti for the offence punishable under Sections 420, 467, 468, 471, 120-B of IPC. Counsel for the petitioners further submits that the petitioners were granted anticipatory bail by the Additional Sessions Judge, Amritsar in this FIR, vide order dated 10.06.1999 (Annexure P-3). It is further submitted that in the said FIR, the investigation was done and FIR cancelled. However, the cancellation report was never submitted before the trial Court. Counsel for the petitioners has further submitted that now after passing of more than 17 years, the present FIR has been registered with the same set of allegation. It is further submitted that one of the co-accused, namely, Udham Singh, has been granted concession of anticipatory bail vide

order dated 08.12.2017 passed in CRM-M-46921-2017. Counsel for the petitioners further submits that the offences are triable by the Court of Magistrate and the petitioners are in judicial Custody since 11.11.2017 and are no more required for any further investigation.

On the other hand, learned State counsel, on instructions from ASI Charan Singh has not disputed the fact that on an earlier occasion, the FIR was registered against the petitioners and petitioner No.2 has been granted concession of anticipatory bail.

Without commenting on the merits of the case, considering the fact that the present FIR is in fact the second FIR and the petitioners were earlier granted anticipatory bail; the petitioners are ordered to be released on regular bail subject to their furnishing bail /surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

22.12.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No