

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

**CRM-M No.10871 of 2018
Decided on: 21.03.2018**

Gurwant Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.2 dated 02.01.2018 registered under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC') at Police Station Chabewal, District Hoshiarpur.

Counsel for the petitioner has submitted that on an earlier occasion, FIR No.94 dated 22.07.2017 under Sections 307, 34 IPC and Sections 25 and 27 of the Arms Act was registered at Police Station Chabbewal, District Hoshiarpur at the instance of the accused and a cross-version was also registered on the statement of Joga Singh vide DDR dated 23.07.2017 under Sections 447, 511, 336, 148, 149 IPC, Police Station Chabbewal, District Hoshiarpur. Counsel for the petitioner has further submitted that in the aforesaid DDR dated 23.07.2017, later on vide rapat No.40 dated 11.12.2017, offences under Sections 420, 465, 467, 168, 471, 120-B IPC and additional offences

under Sections 452, 420, 465, 467, 168, 471, 120-B IPC were added in the aforesaid FIR. It is further submitted that the petitioner was granted interim anticipatory bail by the Sessions Judge, Hoshiarpur and when the petitioner went to join the investigation, on the basis of aforesaid rapat No.40 dated 11.12.2017, by adding the aforesaid offences, the petitioner was arrested and later on was granted regular bail vide order dated 13.12.2017 by the Judicial Magistrate 1st Class. It is further submitted that the present FIR. No.2 was registered on 02.01.2018 with regard to the same offences under Sections 420, 465, 467, 168, 471, 120-B IPC and thereafter, the offences as added vide rapat No.40 were deleted from FIR No.94 by way of DDR No.26 dated 06.01.2018, which is subsequent to registration of present FIR No.2. Counsel for the petitioners has further submitted that the report under Section 173 Cr.P.C. has already been presented in FIR No.94 and without obtaining any prior permission from the Court, the present FIR has been registered.

Counsel for the petitioner has further argued that the petitioner is in judicial custody since 30.01.2018 and is no more required for any further investigation. It is further submitted that all the co-accused of the petitioner have been granted the concession of interim anticipatory bail. Counsel for the petitioner has further submitted that the offences in the present FIR are triable by the Court of Magistrate and conclusion of the trial will take long time.

Counsel for the State, on instructions from ASI Om Parkash, has not disputed the factual position about the registration of two FIRs i.e. FIR No.94 dated 22.07.2017 as well as the present FIR. It

is further submitted that challan is yet to be presented before the trial Court.

Without commenting anything on merits of the case and considering the aforementioned facts and also in view of the fact that the petitioner is in judicial custody since 30.01.2018 and is no more required for any further investigation, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.03.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No