

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 19716 of 2017 (O&M)

Date of decision : 27.4.2018

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Mandeep Singh @ Golu

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Mandeep Singh @ Golu, being an accused in FIR No. 5 dated 10.8.2016, for offences under Sections 25 of Arms Act and 17/18/19/20 of Unlawful Activities (Prevention) Act, registered at Police Station Baba Bakala, now State Special Operation Cell, Amritsar.

Briefly stated facts of the case, as per the prosecution story are that on 10.8.2016, Counter Intelligence Wing, Amritsar, received a secret information regarding various persons planning to indulge in anti-national disruptive activities and in pursuance of that that Gurpal Singh @ Pala was arrested from Umranangal turning

point on Amritsar-Jalandhar road and a pistol alongwith a magazine and live rounds were recovered from him. FIR No. 5 dated 10.8.2016 was accordingly registered. On 11.8.2016, Major Singh was arrested and a pistol besides live cartridges, were recovered from him. He was also interrogated and he provided vital information. Then Rachhpal Singh was arrested, who got recovered arms and ammunition from his possession. During the course of investigation, he disclosed that Mandeep Singh @ Golu was a member of the Khalistan Zindabad Force and was involved in anti-national activities. Such Mandeep Singh @ Golu was behind bars in some other case. He was brought on production warrants from Central jail, Ludhiana and subsequently arrested in this case. The investigation in the matter proceeded.

After completion of investigation, the accused were challaned and the case was committed to the Court of Sessions from where it was assigned to Additional Sessions Judge, Amritsar. Thereafter, the supplementary challan was also filed. The accused was lodged in Central Jail, Ludhiana, in judicial custody in other two cases in which he is stated to have been bailed out. Though he was not granted bail in this case, but he was released from Central Jail, Ludhiana. He has filed a petition for grant of pre-arrest bail, notice of which was given to the State. The State is opposing the request.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Admittedly, while the petitioner was lodged in Central Jail, Ludhiana, in two cases, he was brought on production warrants to join the investigation in this case. Ultimately, the challan has been

filed, which has been committed, now pending in the Court of Additional Sessions Judge, Amritsar. The petitioner is stated to have been released from jail inadvertently but then Additional Sessions Judge, Amritsar on 7.11.2016 and 8.12.2016, when the accused was produced there, had made an endorsement that accused was not required to be produced till report under Section 173 Cr.P.C. was filed. Now, when the accused has been released from the jail and challan against him has been filed, there is no reason to take him into custody since his custodial interrogation cannot possibly be done at this stage, with the challan having been filed in the Court and at the stage of trial.

Therefore, considering all the facts and circumstances, it shall be in the fitness of things, if pre-arrest bail is granted to the petitioner, though suitable terms and conditions could be imposed to ensure that he does not abscond.

Therefore, the interim bail granted to the petitioner, vide order dated 2.8.2017 is made absolute, subject to fulfillment of conditions under Section 438 (2) Cr.P.C. The trial Court in addition to that may impose any term and condition found proper or suitable to ensure that the petitioner appears in the court on each and every date of hearing and does not try to influence the prosecution witnesses.

The petition stands accepted accordingly.

27.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No'