

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5095-2018(O&M)
Date of Decision: 21.03.2018

Bobby

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.P.S. Rehan, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

In pursuance to the order dated 1.3.2018 passed by this Court, learned State counsel has filed in Court today a response by way of affidavit dated 5.3.2018 of the Dy.S.P., Fatehgarh Churian, Police District Batala, District Gurdaspur. Same is taken on record and a copy has been furnished to the counsel opposite.

Petitioner seeks concession of pre-arrest bail in case FIR No.37, dated 18.05.2017, under Section 379-B IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur

On 7.2.2018, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.37, dated 18.05.2017, under Section 379-B IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

FIR came to be registered on the statement of Sajjan Singh and who alleged that on 18.05.2017, he along with his wife had gone to State Bank of India Branch at Batala to withdraw a sum of Rs.1 lakh that has been sent by their son

who is employed as a Driver in Bahrain. After withdrawal of the amount, while the complainant and his wife were returning back to the village, they were intercepted by two young unidentified boys and who snatched the envelop containing the cash amount and also took away one mobile phone, cheque book and other documents.

Counsel would inter alia contend that name of the petitioner does not figure in the FIR. Petitioner is sought to be implicated on the statement of a co-accused, who had already been arrested in a different case. Further categoric contention is that the petitioner has clean antecedents and is not involved in any other criminal proceedings.

Notice of motion, returnable for 01.03.2018.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Baljit Singh would apprise the Court that the petitioner has since joined investigation. However, prayer for pre-arrest bail is opposed by learned State counsel by contending that the petitioner is a habitual offender and is involved in three other FIRs of similar allegations.

Be that as it may, it has gone uncontroverted that out of the three FIRs mentioned in the affidavit filed in Court today, petitioner has already earned acquittal in one matter and in other two cases i.e. FIR No.31 dated 18.3.2017 and FIR No.47 dated 16.4.2017 petitioner has been granted concession of bail.

Observations made by this Court in the notice of motion order have gone unrebutted apart from the assertion that the petitioner has clean antecedents.

In the totality of circumstances, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 7.2.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.03.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No