

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-691-2018

Date of decision: 19.01.2018

Harnek Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

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

Learned counsel for the petitioner submits that co-accused of the petitioner namely Gurbax Singh and another have been granted the concession of regular bail vide order dated 22.12.2017 passed in CRM-M-48206-2017 and the same reads as under: -

“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/Illaq Magistrate.”

Learned State counsel has filed the custody certificate dated 19.01.2018 and on instructions from ASI Charan Singh, submits that the petitioner has undergone the custody period of 02 months and 04 days and is

not involved in any other case.

Without commenting on merits of the case, considering the fact that the present FIR is in fact the second FIR and the petitioner was earlier granted anticipatory bail, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.01.2018

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