

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9485-2019 (O&M)
Date of Decision:-1.3.2019

Makhan Singh @ Yadwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.152 dated 22.7.2017 registered at Police Station Ghall Khurd, District Ferozepur under Sections 365, 323, 379-B, 148 and 149 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 25 and 27 of Arms Act.

The FIR was lodged at the instance of Arjun Singh, wherein it has been alleged that on the day of occurrence 15-20 persons came on motorcycles and stopped him while he himself was going on a motorcycle and that the said persons included Sarpanch Makhan Singh and who uttered objectionable utterances and thereafter he was forcibly taken to the house of the Sarpanch, where at gun point an amount of ₹15,000/-, his ID card alongwith watch, mobile phone as well as his motorcycle were snatched

from him. It is further alleged that the accused also prepared a video and posted the same on the net and it was subsequently that a relative of the complainant got him freed after paying an amount of ₹18,000/-.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on account of political rivalries as the petitioner happens to be an Ex-Sarpanch of the village. The learned counsel has submitted that infact after inquiry, the petitioner had been declared innocent and in this context has drawn the attention of this Court to order dated 20.12.2018 passed by learned Additional Sessions Judge, Ferozepur, wherein while noticing the fact that the petitioner had been declared innocent during an inquiry conducted by SP(D), his application for grant of anticipatory bail had been dismissed as having been rendered infructuous. It has further been submitted that now the complainant while exercising influence has been able to get a fresh inquiry initiated and, as such, the petitioner apprehends his arrest.

The learned counsel has further submitted that infact a perusal of the FIR itself would show that a concocted version is forthcoming, inasmuch as, in case the complainant had been apprehended by 15-20 persons and had been forcibly taken to the residence of the petitioner, then there was no need to brandish a pistol as 15-20 persons clearly out numbered the complainant.

It has further been submitted that the allegations in the FIR to the effect that one video had been prepared by the accused while committing the offences is also not plausible as no sane person would create evidence in respect of the offence committed by himself.

The learned counsel for the petitioner has, however, fairly submitted that he may be permitted to withdraw the present and that he shall surrender before the trial Court and move an application for grant of regular bail.

In view of aforesaid submission, the petition is dismissed as withdrawn.

In case, the petitioner surrenders before the trial Court within a period of one week from today and moves an application for grant of regular bail in the forenoon of the day, the learned trial Court shall endeavour to dispose of the same expeditiously preferably on the day of the filing of such application itself, while having regard to the factual aspects as contended by the learned counsel.

1.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No