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

CRM-M-19609 of 2018

Date of decision: May 13, 2019

Kuljit Inderpal Singh alias Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Goyal, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner in FIR No.87 dated 01.06.2011, under Sections 279, 337, 427 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 382, 411, 483, 511 of IPC) and Section 25 of Arms Act, 1959, registered at Police Station Sadar Sangrur.

On 09.05.2018, while issuing notice of motion, this Court has passed the following order:-

“Despite what has been recorded by the learned Additional Sessions Judge, Sangrur, in his order dated 27.04.2018, Annexure P-4, learned counsel for the petitioner points to the custody certificate, Annexure P-2, shown to be issued by the Superintendent, Central Jail, Patiala, stating to the effect that the petitioner was admitted to that jail on 23.06.2015, in connection with FIR no.52 dated 20.06.2015 registered at Police Station Banur, and was released on bail in that case on November 23, 2015, but that he was in jail on account of other cases pending against him.

Notice of motion be issued to the respondent.

On the asking of the Court, Mr. J.S. Walia, learned Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

Two copies of the petition be handed over to him during the course of the day.

Adjourned to 21.05.2018.

The Superintendent of Central Jail, Patiala, is directed to file his personal affidavit giving therein all periods that the petitioner remained confined in jail up till 06.11.2015.

It is made clear that any discrepancy in the statement of the Superintendent will entail serious consequences for him in view of the fact that in the custody certificate Annexure P-2, which is seen to be dated 04.12.2015, the petitioner is shown to be in jail from 23.06.2015 to 23.11.2015, in connection with the FIR referred to herein above but still stated to have been in jail "in other cases".

Yet, in the order of the learned Additional Sessions Judge, Sangrur, Annexure P-4, as already noticed, the report of the concerned person of the Central Jail, was to the effect that on July 20, 2015, he was not confined in jail.

In the aforesaid circumstances, upon the petitioner surrendering before the learned Chief Judicial Magistrate/Duty Magistrate, Sangrur, in connection with the FIR no.87 dated 01.06.2011, registered at Police Station Sadar, Sangrur, he would be admitted to interim bail to the satisfaction of that Court, till the next date of hearing before this court."

Affidavit of Sandeep Kumar Garg, IPS, Senior Superintendent of Police, District Sangrur, filed by the learned State counsel, today in Court, is taken on record.

Perusal of the above affidavit reveals that petitioner is facing trial in two other cases, but he is stated to be on bail.

Learned counsel for the petitioner has apprised this Court that in terms of order dated 09.05.2018, the petitioner has joined the proceedings before the learned trial Court and has also furnished necessary bail/surety bonds.

Learned State counsel, on instructions from the police official who is present in the Court to assist him, has acknowledged the above fact of joining proceedings as well as bail in other two cases.

In view of the above, the interim order dated 09.05.2018 is hereby made absolute.

It is made clear that the petitioner shall fully co-operate with the learned trial Court for conducting smooth proceedings.

The above observations may not be construed as an expression of opinion on the merits of the case.

Disposed off, accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

May 13, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**