

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26825-2019 (O&M)

Date of Decision: 15.10.2019

Rupinder Singh @ Rupa

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Riffi Birla, Advocate, for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

On 17.09.2019, the following order had been passed:-

“The petitioner seeks the concession of anticipatory bail upon a car admittedly belonging to him, bearing registration no.PB-22F-1786, having been apprehended (as per the case of the investigating agency), and two persons sitting in the car having been arrested, with 1 kilogram of heroin stated to have been recovered from the car.

The contention of the learned counsel for the petitioner is that though the petitioner is stated to have run away after the car that he was driving was stopped by the police party, as a matter of fact 12 police officials are shown to be present at the spot, with the car stated to have been apprehended; and therefore, it would be difficult to understand as to how the petitioner could have run away from the spot.

Notice of motion in this petition was issued on 14.06.2019 but with no interim relief given to the petitioner, after which on 19.07.2019, the following order had been passed:-

“Learned counsel for the petitioner would verify as to who the occupants of the car were, with the car admittedly belonging to the petitioner,

though the petitioner was not caught at the spot.

Adjourned to 23.07.2019.”

None having come present for the the petitioner on the last date of hearing,i.e. August 08, 2019,(on account of the fact that the Bar was abstaining from working during that period), the matter was adjourned till today.

Today Ms. Riffi Birla, learned counsel for the petitioner, submits that as regards one of the two persons stated to have been apprehended by the police, i.e. Sandeep Singh, he is a cousin of the petitioner, with the petitioner not knowing the second person, i.e. Jaswant Singh.

She reiterates that though the car belongs to the petitioner, the car having been borrowed by the aforesaid Sandeep Singh, with the petitioner stated to be out of Punjab at that stage (as contended), the story of the prosecution that the petitioner had run away from the spot despite 12 police officials being present at the spot, is not believable.

Without making any comment on the actual merits of the case, for or against the petitioner, the petitioner is directed to join investigation. In case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 15.10.2019.”

Today, learned State counsel submits that though of course the petitioner was not present at the spot, another FIR also stands registered against him for a similar offence committed by him (as per the said FIR), in which 10 grams of heroin are stated to have been recovered from him.

That being so, the reasoning behind the petitioner having been admitted to interim bail being that he possibly may not have known that the person who had driven the car was indulging in any nefarious activity, obviously is a reasoning that stands dis-counted.

Consequently, without making any comment on the actual merits of the case for or against the petitioner, I see no reason to continue with this petition seeking the concession of anticipatory bail.

Hence, the petition is dismissed, with the interim order 17.09.2019 vacated.

However, nothing stated hereinabove will be taken to be an observation on the merits of the case for or against the petitioner, which will be considered by the investigating agency and the competent Court, on the basis of evidence gathered/led.

October 15, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.