

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

201)

Crl.Misc.No. M-31086 of 2019

Date of Decision: 31.10.2019

Channan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. L.M. Gulati, Advocate, for the petitioner.
Mr. B.S. Sewak, Addl. Advocate General, Punjab.

Amol Rattan Singh, J. (Oral)

Pursuant to the order of this Court dated September 27, 2019, Mr. Dhruv Dahiya, Sr. Superintendent of Police, Tarn Taran, is present in Court, with Mr. Sewak, learned State counsel, filing his affidavit in court today, from which he draws attention to paragraphs 7 and 8 thereof, wherein it has been stated that the investigating officer should have in fact taken action with regard to Aman Kumar Chopra (i.e. he should have joined him in the investigation in the present case) and as he has not done so, a departmental enquiry has been initiated against him, the said investigating officer being ASI Gurmukh Singh.

The said affidavit is ordered to be taken on record, with the SSP directed to file another affidavit within three months as regards the conclusion of the departmental enquiry.

Coming now to the merits of the case, Mr. Gulati, learned counsel for the petitioner, reiterates what he had argued on the last date of hearing; specifically the fact that the main allegations are not against the

petitioner but against the Advocate for whom he was working, i.e. Sh. Amarjit Singh Bhatti (now deceased) and therefore the petitioner should not be denied the concession of anticipatory bail.

Learned counsel for the petitioner, further points out that upon one of the co-accused in the present FIR, i.e. Ajay Kumar Chopra, having filed a revision before the competent court against the order of the learned trial court dated 17.08.2018, directing an FIR to be registered against the aforesaid Ajay Kumar Chopra, Aman Kumar Kaushik and “against the persons who have acted as Gurbachan Singh, Swaran Singh, Sawinder Singh, Onkar Singh”, the revisional Court stayed the arrest of Ajay Kumar, with the reasoning given by that court, in its order dated 13.11.2018, being that the petitioner before that court was regularly appearing before the trial court, which showed that he had no intention to abscond from the process of law.

However, a perusal of the said order as has been annexed with the affidavit of the SSP, Tarn Taran shows that the aforesaid part of the order is actually the argument raised before that court, with the arrest of the petitioner in the revision, i.e. Ajay Kumar, having been stayed till 28.11.2018, on the ground that there were “arguable points involved in this case”.

In any case, very obviously that was in the context of Ajay Kumar having been admitted to bail earlier by the trial court, whereas in the case of the petitioner presently, he is seeking the concession of anticipatory

bail, apprehending arrest after the investigating agency has implicated him as the person responsible for creating/providing fake sureties.

Hence, having considered the matter over a few dates of hearing, the allegation again being reiterated by learned State counsel, on instructions, that it was actually the petitioner who arranged for the two persons as sureties for the two accused who have been granted bail by the trial court (in another criminal case registered against those accused), and in fact he also having arranged the persons identifying such sureties (stated to be one Nambardar, Omkar Singh and Nambardar Swarn Singh), with the petitioner not disclosing as to who they were, and all the said persons found to be non-existent, without making any further comment on the actual merits of the case, considering further the fact that the petitioner was admittedly the Clerk to the aforesaid (late) Advocate, and the stand of the investigating agency, at least so far, is that it was he who had arranged for the sureties, I see no ground to continue with the present petition, which is consequently dismissed and the interim order vacated.

However, it is made clear that nothing observed herein will be taken to be a comment on the merits of the case, which would be gone into by the investigating agency as per the evidence gathered by it, and by the trial court thereafter (if it reaches the stage of trial) only on the basis of the evidence led before it.

31.10.2019
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No