

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33684-2019

Date of decision: 05.09.2019

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manu Loona, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of anticipatory bail in FIR No.0027 dated 09.04.2018 under Sections 451, 323, 379, 511 IPC (Section 379-B IPC added and Section 511 IPC deleted later on, whereas Section 411 IPC is found mentioned in the order dated 08.05.2019 passed by the Addl. Sessions Judge, Fazilka), registered at Police Station City Fazilka, District Fazilka.

The first petition i.e. CRM-M-26122-2019 was dismissed as withdrawn vide order dated 03.06.2019. A perusal of this order shows that the first petition was withdrawn by learned counsel for the petitioner, after arguing for some time, without obtaining any permission to file fresh.

Brief facts of the case are that complainant Dr. Vijay Kumar Arora got the aforesaid FIR registered with the allegations that on 09.04.2018, his mother was alone at home and he was in hospital and four young boys came,

out of which two entered the house and two kept standing outside his house. The persons, who entered the house, started giving beatings to his mother. On raising the voice, one lady, who lives in front of his house, came out and they ran away.

Later on, the police got an information that the persons, who committed the occurrence in the house of the complainant, are planning to commit dacoity. On receiving the information, the police party apprehended Sandeep Singh @ Gagni, Harmandeep Singh and Parminder Singh. The motorcycle used in the offence along with two kappas were recovered from the accused persons and even the nose pin of gold, which was snatched from mother of the complainant, was also recovered from co-accused Sandeep Singh @ Gagni. During the investigation, these persons disclosed that they have committed theft of motorcycles and mobile phones and on the basis of their disclosure statement, the police got recovered motorcycles, scooters and six mobile phones from them. Thereafter, the police raided the house of present petitioner, but he absconded and was declared a proclaimed person.

Learned counsel for the petitioner submits that there is no direct allegation against the petitioner and he has been falsely implicated. It is further submitted that three co-accused of the petitioner, who were arrested and faced the trial, were acquitted by the trial Court vide judgment dated 16.01.2019, as they were not identified by the complainant.

After hearing learned counsel for the petitioner, I find no ground to entertain the second petition for anticipatory bail, because no new ground is made out, as prior to filing of the first petition, the petitioner was declared a proclaimed offender.

The co-accused were acquitted by the trial Court vide judgment dated 16.01.2019, as they were not identified by the complainant, however, identification of the petitioner is yet to be ascertained, therefore, considering the fact that FIR is dated 09.04.2018 and till date, despite a lapse of about 01 year and 04 months, the petitioner has not surrendered before the trial Court, I do not find any ground to grant anticipatory bail to him.

Dismissed.

05.09.2019

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No