

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

CRM-M no. 6201 of 2020

Date of Decision: 12.02.2020

Manjeet Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Judgepreet Singh Warring, Advocate
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner, for the second time, seeks the concession of anticipatory bail after the first petition filed by him, i.e., CRM-M-45896-2019, was dismissed by this court (this Bench), on 25.11.2019. The order passed on that day reads as follows:

“Though Mr. Manaise, learned counsel for the petitioner, submits that the petitioner had accompanied the Warrant Officer appointed by this court, (pursuant to CRWP no.782 of 2019 having been filed by the petitioner herein seeking production of 3 detenues, i.e. Malkit Singh, Vikram Singh and Joginder Kaur from the alleged illegal custody of the SHO, Police Station Arniwala, District Fazilka), however learned State counsel submits that even as per the video recording at the time when the Warrant Officer visited the police station, the petitioner, Manjeet Singh, was seen to be chasing out a Home Guard Volunteer from the police station, with what appears to be a dang, but which learned counsel for the petitioner submits was a 'wiper'.

Without making any comment on the aforesaid contention, but with even the Warrant Officers' report in CRWP no.782 of 2019 (that file having been called for by this court), being to the effect that when he reached the police station, the persons already standing outside the police station entered the police station and started manhandling police officials, with the petitioner (Manjeet Singh) also involved with them, who is stated to have snatched sticks from the police officials and had started beating them, I see absolutely no reason to entertain this petition, which is consequently dismissed.”

Upon learned counsel for the petitioner being asked as to what circumstance have changed in the past about three months for this court to hold otherwise, he submits that other co-accused have been granted the concession of bail, by this Bench also. He points specifically to the order passed in CRM-M-47575 of 2019 on 18.12.2019, in the case titled as Baljeet Singh and another vs. State of Punjab, (a copy of that order having been annexed as Annexure P-5 with this petition). The said order reads as follows:-

“By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioners seek the concession of 'anticipatory bail'.

Pursuant to the order dated 13.11.2019, learned State counsel submits that he having seen the video recording as is available on the mobile phone of ASI Rajinder Singh, he has also determined from the said police official that the petitioners, i.e. Baljeet Singh and Malkit Singh, though were seen running inside the Police Station, no overt act of actually attacking any policeman can be attributed to them.

That being so, the present petition is allowed, with the petitioners directed to join investigation and in case they are sought to be arrested, they would be admitted to bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. They shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

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

Very obviously, the role of the petitioner in that petition, upon reaching the police station concerned with the warrant officer appointed by this court pursuant to an order passed in CRWP no.782 of 2019, is completely different to the role of the petitioner in the present petition, who was wielding what he stated was a car wiper but what this court had initially observed to be a stick, with which he was chasing out a police official from the police station premises.

Learned counsel also submits that the petitioner was mentally stressed on account of the alleged illegal confinement of his relative and therefore, a lenient view may be taken.

Having considered that argument, I still see no reason to entertain the petition, looking at the petitioners' conduct in the police station, as was shown to this court even at the time when the last petition was filed by him, with photographs also having shown to this court, of him chasing out a police official from the police station.

Consequently, this petition is dismissed, with however no comment made on the actual merits of the case, which would naturally be a matter of investigation, with orders to be passed by the competent court thereafter.

Naturally, proceedings before the competent court, upon any report submitted in terms of Section 173 Cr.P.C., would go wholly on their own merits on the basis of evidence produced before such court.

It is to be noticed here that obviously the petitioner has not been arrested so far, after dismissal of CRM-M-45896 of 2019 on 25.11.2019.

February 12, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO