

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-14273 of 2020
Date of Decision: 07.07.2020

Gurcharan Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.K. Mattoo, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail', upon FIR no.262, dated 08.10.2019, having been registered against him and his co-accused, alleging therein the commission of an offence punishable under Section 407 read with Section 120-B of the IPC.

When this petition had initially come up for hearing on June 08,2020, the petitioner had been ordered to be admitted to interim bail by this court, upon him joining investigation.

Learned counsel for the petitioner reiterates that the petitioner was never named in the FIR, with only the driver of the truck that went missing, i.e.

Pargat Singh, having been so named, and that possibly the petitioner has been

named by Pargat Singh as a co-accused in view of the fact that there was some dispute between him, Pargat Singh and one Daler Singh on the purchase of a truck, earlier.

Learned State counsel on the other hand submits that though the petitioner has joined investigation, even the complainant has now named him as an accused and consequently the petitioner is not entitled to the concession of anticipatory bail any further.

Upon query to learned State counsel, as to on what basis the complainant has now named the petitioner, because the driver of the truck which was to make a delivery at Gujarat was Pargat Singh and he alone had been named in the FIR, he submits that no such basis is forthcoming from his instructions but the petitioner has in fact been named as a co-accused by the aforesaid Pargat Singh and one Daler Singh in another FIR of similar nature, recorded at Police Station Patran, District Patiala.

Learned counsel for the petitioner then reiterates what he has submitted, that that disclosure, if any, is only on the basis of personal rivalry between the petitioner and co-accused.

Having considered the matter, without making any comment on the actual merits of the case, but in view of the fact that the petitioner has neither been named as an accused by the complainant in the present FIR, nor in fact is seen to be named as an accused in the other FIR registered at Police Station Patran, District Patiala, on 20.10.2019 (Annexure P-2), and has in fact been admitted by the learned Addl. Sessions Judge, Patiala, to interim bail in that case too, the petition is allowed, with the order dated 08.06.2020 made absolute.

It is however made clear that nothing stated hereinafore, naturally, would be taken to be an observation on the actual merits of the case for or against

the petitioner, with all the observations made only being in the context of a petition filed under the provisions of Section 438 of the Cr.P.C.

July 07, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes