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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19760-2020
Date of decision: 21.07.2020

Ekam Singh and others

.....Petitioners

V/s.

State of Punjab and another

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Saurabh Kaushik, Advocate, for the petitioners.

Mr. Mehardeep Singh Dullat, Additional Advocate General,
Punjab.

Sanjay Kumar, J.

The petitioners are the accused in FIR No. 169 dated 21.03.2020 on the file of Police Station City Barnala, District Barnala, registered under Sections 341, 323, 506 and 34 IPC. They were already granted bail, as these offences are bailable in nature. However, they apprehend that some more sections may be added to the FIR behind their back, as the complainant's near relation is now highly placed in the police hierarchy at Barnala.

It is however to be noted that, in terms of the law laid down by the Supreme Court in '*Pradeep Ram V/s. State of Jharkhand*' {AIR 2019 (SC) 3193}, once the accused is already granted bail, the investigating authority would have to obtain an order from the Court which granted the

bail before it can proceed to arrest the accused in relation to any added offence or offences.

Further, following the *ratio* laid down in the above judgment, a learned Judge of this Court disposed of CRM-M-37011-2019 titled '**Rahul Singh V/s. State of Punjab**'. Perusal of the final order dated 18.06.2020 passed therein demonstrates that a general direction was given to the Director General of Police, State of Punjab, to sensitize the police that they would have to seek prior permission of the relevant Court before adding any offence in an existing FIR where the accused had already been enlarged on anticipatory bail or regular bail.

In the light of the aforestated settled legal position, the petitioners' apprehension that the police may resort to add new provisions in the FIR behind their back is completely misplaced. It would not be open to the police authorities to resort to any such action, even if warranted, without following the due procedure, as indicated *supra*.

This petition is accordingly disposed of making this legal position clear.

Mr. Mehardeep Singh Dullat, learned Additional Advocate General, Punjab, would state that he would also sensitize the police authorities concerned of the due procedure.

(SANJAY KUMAR)
JUDGE

21.07.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no