

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

**CRM-M-20108-2020
Date of decision: 29.07.2020**

Swaranjit Singh @ Seeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the third petition, filed by the petitioner, seeking anticipatory bail in FIR No. 194 dated 19.12.2016, registered under Sections 458 and 392 of the IPC at Police Station Baghapurana, District Moga.

The first petition bearing CRM-M-26219-2017 was dismissed as withdrawn on 21.07.2017 and thereafter, the second petition bearing CRM-M-3970-2018 was dismissed on 13.09.2018 by passing a detailed order, the operative part of which reads as under:

“The first anticipatory bail application i.e. CRM-M No.26219 of 2017, filed by the petitioner was withdrawn on 21.07.2017, by counsel for the petitioner after arguing the same for some time.

Counsel for the petitioner has submitted that the petitioner is not named in the FIR and there are no direct allegations against the petitioner. A perusal of the FIR show that the complainant – Sukhmander Singh, who is aged about 76 years had stated that on 09.12.2016, he along with his wife were sleeping in the house and at about 02:30 am at night, on hearing a noise, when he got

up, 04 persons entered in his house and asked for all the valuables and under the threat, the complainant had given the key of the almirah out of which 5150 Canadian Dollars, Rs.56,000/- in cash, gold articles and mobile phones were taken away by them.

During the investigation, 02 accused persons namely Talwinder Singh and Manpreet Singh were arrested and from their possession, certain stolen articles were recovered and on their disclosure statement, the name of the petitioner is surfaced.

When the anticipatory bail application of the petitioner was pending before the Additional Sessions Judge, while granting interim stay, the petitioner was directed to join the investigation, however, he failed to get the Canadian Dollars and gold articles recovered and, therefore, the anticipatory bail application of the petitioner was dismissed, noticing the fact that the petitioner is also involved in a similar crime registered in Police Station Mehna vide FIR No.721 dated 07.08.2016 registered under Sections 399 and 402 IPC read with Section 25 of the Arms Act.

All the arguments raised by the petitioner were already considered, at the time when the first anticipatory bail application of the petitioner was withdrawn by his counsel, after arguing the same for some time and there is no new ground or argument raised by counsel for the petitioner to grant anticipatory bail to the petitioner. It is worth noticing here that the petitioner instead of surrendering before the Court is fleeing from the process of justice.

Accordingly, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.”

Learned counsel for the petitioner could not make any new

ground for entertaining the present petition.

It is worth noticing that the FIR in question pertains to the year 2016 and as per the objection raised by learned State counsel, on account of the petitioner having not been arrested so far, the investigation could not be completed.

Learned State counsel further submits that since the petitioner wants a review of order dated 13.09.2018, whereby the second petition was dismissed, the present petition is barred under Section 362 Cr.P.C.

After hearing learned counsel for the parties, no new ground is made out to entertain the present petition.

Surprisingly, the petitioner is filing repeated petitions seeking anticipatory bail and has not surrendered before the Court despite the dismissal of the earlier two petitions for a period of more than three years.

In view of the above, the present petition is hereby dismissed.

The Senior Superintendent of Police, Moga is directed to send a status report as to why the petitioner has not been arrested for such a long time after dismissal of his bail applications, within a period of one month from today.

Registry is directed to send a copy of this order to the Senior Superintendent of Police, Moga for compliance.

The status report be submitted to Registrar General of this Court.

The petition stands dismissed.

29.07.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*