

CRM-M-21510 of 2020

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

CRM-M-21510 of 2020
Date of Decision: 11.08.2020

Surjit Singh @ Goli

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Kuldip Singh, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video-conferencing due to Covid-19 pandemic.

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.153 dated 10.08.2017 registered under Sections 353, 186, 332, 224, 225, 148, 149 IPC at Police Station Sadar Jalalabad (West), District Fazilka.

According to prosecution, Head Constable Sawar Singh (complainant) posted in PO Staff, Fazilka, when went to arrest petitioner, a proclaimed offender, at his house in case FIR No.132 of 2014 registered at Police Station Sadar Jalalabad, he came to know that petitioner was sitting at the house of Chand Singh Fauji. Consequently, Head Constable Sawar Singh conducted raid at the

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house of Chand Singh Fauji, where Rakesh Singh and his accomplice Ramesh, Bhola Bhi (first wife of petitioner-accused Surjeet Singh), his second wife, Malkit Singh, Paramjit Singh and Manak Singh raising *lalkara* confined the complainant in illegal custody and insulted him by throwing his turban. Petitioner was got released by aforesaid accused and he ran away.

Learned counsel *inter alia* contends that four co-accused of the petitioner, namely, Kirna Rani alias Bholla Bai, Manjit Kaur (CRM-M-12160 of 2018), Ramesh Singh @ Meshi (CRM-M-37185 of 2019) and Rakesh Singh (CRM-M-20082 of 2020) have been granted anticipatory and interim bail by this Court vide orders dated 05.07.2018, 17.01.2020 and 23.07.2020, respectively. Treating the case of the petitioner on the same parity as that of his aforesaid co-accused, he may also be granted concession of anticipatory bail.

On the other hand, learned State counsel vehemently opposed the grant of anticipatory bail to the petitioner submitting that petitioner is a habitual offender. He is found involved in two cases under the NDPS Act, one under the Excise Act and one under Sections 380, 427, 506 IPC, out of which he has been convicted in one case for ten years. During parole he absconded, forcing the police authorities to get him declared proclaimed offender from the Court. When the police went to arrest him, he ran away from the spot with the help of his aforesaid co-accused.

Having given thoughtful consideration to the rival

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submissions, this Court is not inclined to grant anticipatory bail to the petitioner inasmuch as he is the main accused on whose behalf incident took place. Co-accused of the petitioner have been granted anticipatory bail, regular bail or interim bail on account of the fact that they are not involved in any other criminal case, whereas petitioner is convicted in one case. Thus, his case cannot be treated on the same parity as that of his aforesaid co-accused.

Dismissed.

At this stage, learned counsel for the petitioner prays for withdrawal of this petition.

August 11, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No