

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101

CRM-M-22747 of 2020

Date of decision:17.8.2020

Baljinder Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Anshul Gupta, Advocate,
for the petitioner

...

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.

This is actually the third petition filed by the petitioner seeking the concession of pre-arrest bail, upon FIR no.114 dated 13.7.2019, having been registered at Police Station Fatehgarh Sahib, alleging therein the commission of an offence punishable under Section 420 of the IPC, the first petition having been dismissed vide a detailed order on 17.12.2019 (CRM-M-46351 of 2019).

Though in this petition it has been described as the second such petition filed, the Reader of this court has pointed out to me that in fact the petitioner had also filed CRM-M-1385 of 2020, which had been withdrawn by the learned counsel then appearing for him, on 15.1.2020.

Learned counsel for the petitioner submits that he has not been informed by the petitioner of the second petition filed but be that as it may,

he has approached this court by way of this third petition only because in the meanwhile he has not been arrested and in fact he has filed a representation to the Director General of Police, Punjab, and others (copy Annexure P-9) (which is seen to be an undated document).

He submits that vide the said representation, the petitioner has sought an independent investigation upon him being allowed to join investigation.

Notice of motion.

Mr.M.S.Dullat, learned Addl.AG, Punjab, accepts notice at the asking of the court, he already having received instructions in advance.

He submits that there is no fresh ground on which the petitioner can seek the concession of pre-arrest bail for the third time and in fact in the meanwhile since he was not responding to the notices issued to appear and was evading arrest, proceedings to declare him to be a proclaimed offender/proclaimed person have also been initiated.

That being so, simply because the petitioner is stated to have made a representation to the DGP, Punjab, and to others, (with it also not being certain as to whether any such representation has actually been made as the document annexed with this petition is undated), I see no reason to entertain this petition. Consequently, it is dismissed.

However, naturally, if the investigating agency itself, on the representation made by the petitioner, upon him surrendering finds that the petitioners' arrest is not required, it would exercise its discretion accordingly; but with it made absolutely clear that this court is not giving any handle to the investigating agency either way, as to whether it should

arrest the petitioner or not, with the investigation to carry on independently of the order dismissing the petition; and therefore, if the petitioners' custodial interrogation is required, naturally the investigating agency would do the needful as it may deem best and if it is not required, again it would be for the reasons to be given in reply to any representation that may be filed by the complainant, as regards proper investigation being conducted/not conducted.

17.8.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No