

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23069 of 2020

Date of Decision : 19.08.2020

Sukhjinder Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.G. Chaudhary, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G. Punjab.

Mr. Vivek Thakur, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

This is the second petition filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.22 dated 27.02.2020 under Sections 323,324,341,452,326,148,149 IPC registered at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner contends that there was another FIR, which was registered against the petitioner being FIR No.49 dated 30.04.2020 after the registration of the present FIR, in which, the petitioner has been granted benefit of anticipatory bail by this Court while deciding CRM-M-20508-2020 and, therefore, in order to comply with the said order so as to join the investigations relating to the said FIR, the petitioner be granted the benefit of anticipatory bail in this FIR as well.

Notice of motion.

Mr. Amar Ashok Pathak, Addl. A.G. Punjab and Mr. Vivek

Thakur, Advocate, who have joined the proceedings through video conference, keeping in view the service of advance copy of petition, accept notice on behalf of respondent-State and complainant respectively.

Learned State counsel as well as learned counsel for the complainant argue that the petitioner is trying to mislead this Court and in fact this petition is misuse of the judicial process.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present FIR, the petitioner has been attributed grievous injuries but, the petitioner is trying to evade arrest despite the fact that the FIR was registered against the petitioner in the month of February, 2020.

The arguments raised by learned counsel for the petitioner that as the petitioner has been granted the benefit of anticipatory bail in FIR No.49 dated 30.04.2020 and, therefore, he also be extended the said benefit in the present FIR, cannot be accepted. In FIR No.49 dated 30.04.2020, the petitioner has been granted benefit of anticipatory bail as no overact has been attributed to the petitioner in the said FIR, whereas, in the present case, the grievous injuries have been attributed to the petitioner and the weapon used to inflict the injury is yet to be recovered from him. That being so, no ground is made out to grant the petitioner the benefit of anticipatory bail in the present case and, the petition is accordingly dismissed.

August 19, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No