

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

CRM-M-9028-2021 (O&M)

Date of decision: 25.02.2021

Amritpal Singh @ Lali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Simrat Kaur Brar, Advocate for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Amritpal Singh @ Lali, an accused in FIR No.0020 dated 29.01.2020, for an offence under Section 25 of the Arms Act, registered with Police Station Samrala, District Khanna.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.

Briefly stated the facts of the case as per prosecution story are that, on 29.01.2020, a police party from CIA Staff, Khanna led by ASI Machinder Singh while being present at bus stand Bardhala in connection with patrolling and search of suspicious persons had received a secret information that Gurpreet Singh @ Pita @ Giani son

of Balwinder Singh, Kulwinder Singh @ Honey son of Kulwant Singh, Amritpal Singh @ Lali (present petitioner) and Amanpreet Singh @ Anna son of Darshan Singh, resident of Ramgarh road, Sahnewal, District Ludhiana were habitual robbers and on that day, they had gathered at bye-pass near Secret Heart School, Utala for the purpose of making preparation to commit some crime and weapons could be recovered from them; information being reliable, ruqa was sent to Police Station Samrala, on the basis of which, formal FIR was recorded and then the police party proceeded towards the disclosed place.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Ludhiana by moving an application for grant of pre-arrest bail. His such application assigned to Addl. Sessions Judge, Ludhiana, was, however, dismissed, vide order dated 08.02.2021. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

A perusal of the record goes to show that on an application having been filed by the petitioner/accused, he was granted interim bail, vide order dated 20.08.2020 with a direction to join the investigation within 15 days from that date on certain terms and conditions with the further observation that in case the

applicant/accused failed to comply with the direction given by the Court regarding joining the investigation within the stipulated period, the bail application would be deemed to have been dismissed. Petitioner/accused had not joined the investigation within the given period in the order dated 20.08.2020, passed by Addl. Sessions Judge, Ludhiana, therefore, the application filed by him had been dismissed by learned Addl. Sessions Judge, Ludhiana, vide order dated 08.02.2021. The operative part of the said order is as under:-

3) *“Arguments heard. Vide order dated 20.8.2020 passed by this Court in BA4840 of 2020, the applicant was directed to join the investigation within 15 days and was directed to be admitted to anticipatory bail to the satisfaction of SHO/Investigating Officer. In the said order it was made clear that in case the applicant fails to comply with the directions aforesaid, the bail application shall be deemed to have been dismissed. Today learned counsel for the applicant has placed on file a certificate issued from Jasbir Hospital, Jarg Chowk, Khanna, wherein it is mentioned that the applicant suffered from typhoid and was given treatment and advised bed rest from 26.8.2020 to 8.9.2020. In the certificate dated 8.9.2020 it is mentioned that the applicant is medically fit. This shows that the applicant was medically fit on 8.9.2020. In the bail application it is mentioned that the applicant suffered from covid-19, but no such certificate is placed on file. Even otherwise the present application has been filed on 2.2.2021. The certificate dated 8.9.2020 does not mention the admission number or discharge date of the hospital and the same does not seem to be a genuine document on the face of it. Keeping in view the directions given in the previous order, the BA4840 of 2020 shall be deemed to have been dismissed and in such circumstances, the second application for grant of*

anticipatory bail is not maintainable.

4) For the reasons recorded above, the present application is dismissed. Police recorded returned. Present file is ordered to be consigned to the record room.”

The accused, who shows disregard for the order passed by a Court of law is certainly not entitled to grant of discretionary equitable relief of pre-arrest bail, since such type of relief is to be granted to protect innocent persons from harassment and inconvenience and not to help the accused in avoiding arrest and custodial interrogation. In this case, the petitioner/accused not only flouted the direction issued by Addl. Sessions Judge, Ludhiana but rather tried to render explanation for his failure to do so by producing a medical certificate, the genuineness of which was found to be suspect by Addl. Sessions Judge, Ludhiana. Therefore, the act and conduct of the petitioner do not warrant his being granted discretionary equitable relief of pre-arrest bail. Furthermore, his custodial interrogation is found to be necessary for complete and effective investigation. In case, it is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

Thus, finding no merit in the instant petition, the same stands dismissed accordingly.

25.02.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No