

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 03.12.2021

1. CRM-M No.32275 of 2016 (O&M)

Paramjit Kaur
State of Punjab and others
Versus
....Petitioner
....Respondents

2. CRM-M No.1443 of 2020 (O&M)

Central Bureau of Investigation
Navjot Singh @ Rocky
Versus
....Petitioner
....Respondent

3. IOIN-CRM-M No.39462 of 2016 (O&M)

Paramjit Singh @ Ricky
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kapil Aggarwal, Advocate
for the petitioner (in CRM-M-32275-2016)

Ms. Shubra Singh, Advocate
for the petitioner/CBI (in CRM-M-1443-2020)

Mr. Navjot Singh, Advocate
for the petitioner (in IOIN-CRM-M-39462-2016)

Mr. Joginder Pal Ratra, DAG, Punjab.
Mr. Ankur Bansal, Advocate
for the respondent (in CRM-M-1443-2020)

ARVIND SINGH SANGWAN J.

CRM-M No.32275 of 2016 and CRM-M No.1443 of 2020

Prayer in the petition i.e. CRM-M No.32275 of 2016, is for setting-aside the order dated 21.07.2016 (Annexure P1) passed by this Court in CRM-M No.21226 of 2016 granting anticipatory bail to the accused Navjot Singh @ Rocky in FIR No.9 dated 13.02.2016 registered under Sections 302, 201, 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Talwara, District Hoshiarpur, whereas prayer in the petition i.e. CRM-M No.1443 of 2020, filed by CBI is for cancellation of anticipatory bail granted to the respondent – Navjot Singh @ Rocky by this Court in CRM-M No.21226 of 2016 in FIR No.9 dated 13.02.2016 (subsequently re-registered by CBI as FIR No.RCCHG0512019S0002 dated 02.01.2019).

Counsel for the petitioner (in CRM-M No.32275 of 2016) and counsel for the petitioner/CBI (in CRM-M No.1443 of 2020), have argued that the accused – Navjot Singh @ Rocky was granted the concession of anticipatory bail by this Court vide order dated 21.07.2016 passed in CRM-M No.21226 of 2016. The operative part of the said order, reads as under:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.9 dated 13.02.2016 registered under Sections 302, 201 and 34 IPC at Police Station Talwara, District Hoshiarpur.

On 08.07.2016, following contention was made:

“Learned senior counsel has argued that the first version of the incident was given by one of the persons who was travelling with the deceased when the vehicle had fallen into the canal and reading of that statement shows

that the FIR is completely contrived.”

Learned State counsel on instructions from ASI Harminder Singh has accepted this and also argued that Paramjit Singh, who had given that statement, is also co-accused.

Learned counsel for the petitioner has submitted that two independent witnesses i.e. Vikram Singh and Moti Ram, who had admittedly helped to retrieve the persons from canal have also given similar statements.

Learned State Counsel on instructions from ASI Harminder Singh has also accepted the said fact.

In this view of the matter, there is a seeming contradiction on the record and without commenting on the merits of the case, I cannot but grant the benefit of this contradiction to the petitioner.

Let him appear before the Investigating Officer on 28.07.2016 or on any other date on which his presence is required by the Investigating Officer. On his appearance, the Investigating Officer shall release him on bail to his satisfaction subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

Petition stands disposed of.”

Counsel for the petitioner/CBI has further submitted that after passing of the aforesaid order, the investigation was transferred to CBI vide order dated 10.12.2018 passed in CRM-M No.39462 of 2016 and since the CBI has reconducted the investigation and submitted the fresh report against the accused Navjot Singh @ Rocky, his anticipatory bail be dismissed.

On a Court query, whether in pursuance to the earlier order dated 08.11.2021, Navjot Singh @ Rocky has rejoined the investigation or not, it is informed that the case is now pending for recording the prosecution evidence.

After hearing the counsel for the parties, considering the fact that this Court finds that the anticipatory bail was granted to Navjot

Singh @ Rocky on 21.07.2016 and in both the petitions filed by CBI as well as Paramjit Kaur, mother of the deceased, there is no allegation that the accused has either misused the concession of bail or extended any threat to the witnesses, though some of the witnesses were declared hostile and did not support the prosecution version, thus, no ground for cancellation of bail granted to the respondent – Navjot Singh @ Rocky, after a period of about 05 years, is made out as the case is still at the stage of recording of the prosecution evidence and accordingly, the present petitions i.e. **CRM-M No.32275 of 2016 and CRM-M No.1443 of 2020**, are **dismissed**.

IOIN-CRM-M-39462-2016 in CRM-M-39462-2016 (O&M)

Since the petitioner – Paramjit Singh @ Ricky has been granted the concession of regular bail by this Court vide order of even date passed in CRM-M No.5918 of 2020, the present **IOIN** filed in **CRM-M No.39462 of 2016**, is also **disposed of** having been rendered **infructuous**.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

03.12.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No