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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-609-2021 (O&M)
Date of Decision: 06.07.2021

Mann Dass @ Maan Dass

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

After having taken time yesterday, Ld. Counsel for the petitioner has today cited the decisions of the Supreme Court passed in “State of Maharashtra Vs. Bharati Chandmal Varma @ Ayesha Khan”, 2002(1) R.C.R. (Criminal) 99 and “Central Bureau of Investigation, Special Investigation Cell-1, New Delhi Vs. Anupam J. Kulkarni”, 1992(2) R.C.R. (Criminal) 147 as also the decision of a Co-ordinate Bench of this Court passed in case of “Mukesh Vs. Central Bureau of Investigation”, 1998(1) R.C.R. (Criminal) 820.

[2]. Apart from the above, he also relies upon the decision of Hon'ble Rajasthan High Court passed in “Vishambhar Dass S/o Shri Sitaram Das B/c Ramanandi Sadhu, Aged About 43 years, R/o Ramjanki Mandir OBC Colony, Near Gyan Vihar Enginiring Collage Mahal Jagatpura, Police Station Pratap Nagar, Jaipur, Rajasthan Vs. State of Rajasthan”, 2018(1) Cri. L.R. 223 and the decision of Hon'ble Jharkhand

High Court passed in “Nasim Ansari @ Gura Mian Vs. State of Jharkhand and another”, 2009(7) R.C.R. (Criminal) 866.

[3]. In each of these decisions, it has been held that statutory bail once granted to an accused under Section 167(2) of the Cr.P.C. cannot be cancelled even if his complicity has transpired subsequently during investigation in any offence of a more serious nature, provided that such serious offence is found to have been committed only in the same case, and not any other/different case.

[4]. Ld. State Counsel in all fairness concedes to this position of law and has also drawn attention of the Court to a more recent decision of the Hon'ble Supreme Court passed in ***Criminal Appeal No.699 of 2020*** decided on 26.10.2020 titled as “M. Ravindran Vs. The Intelligence Office, Directorate of Revenue Intelligence”, in which the same position of law has been laid down.

[5]. The case of the petitioner is, therefore, squarely covered by the ratio of the aforesaid decisions since he was originally granted statutory bail for the offence under Section 4 of the POCSO Act, 2012 along with Section 377 of the IPC, although subsequently the Final Report was submitted against him for the offences under Sections 377 and 506 of the IPC along with Section 6 of the POCSO Act, 2012.

[6]. The petitioner is, therefore, now permitted to be released on same bail terms on which he was earlier granted statutory bail, subject to an additional condition that he shall not leave the territory of India, and shall also surrender his Passport, if any, in the Ld. Trial Court till completion of trial.

[7]. It further transpires that evidence from the prosecution side has

already been completed and the matter is now pending at the stage of defence evidence, for which, the next date happens to be 12.07.2021 in the Ld. Trial Court.

[8]. Ld. Trial Court is, therefore, requested to complete the trial as expeditiously as possible and preferably within 6 weeks from the date of communication of this order.

[9]. Disposed off.

06.07.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No