

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24176-2021

Date of decision: - 12.07.2021

Hakam Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Bhupender Beniwal, Asstt. Advocate General, Punjab.

Mr. Charanjit Singh Bahiya, Advocate
for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present 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.41 dated 07.03.2020, registered under Sections 323, 324 & 34 IPC (Section 326 IPC added later on), at Police Station City Rampura, District Bathinda.

This second petition is filed by the petitioner before this Court after the first petition seeking anticipatory bail was withdrawn on 14.09.2020, after the prayer of the petitioner for the grant of the anticipatory bail was rejected by the Additional Sessions Judge, Bathinda vide order dated 25.08.2020.

Learned counsel for the petitioner submits that the petitioner has wrongly been involved in the present case and there is a delay in the registration of the FIR, hence, as the investigating authority has not arrested him for the last approximately 16 months, the petitioner be granted the benefit of anticipatory bail.

Short reply by way of affidavit of Jasvir Singh, PPS, Deputy Commissioner of Police, Phul, District Bathinda, filed by learned State counsel today is taken on record.

Learned State counsel submits that the petitioner has been evading arrest and not only this, the investigating officer investigating the FIR has not done his duty properly and now the investigating officer has been changed and raids have been conducted to arrest the petitioner. Learned State counsel further submits that the petitioner is already a proclaimed offender in respect of an FIR registered against him in the State of Rajasthan and his custodial interrogation is necessary to recover the weapon used in the incident to inflict injuries upon the victim.

Learned counsel appearing on behalf of the complainant submits that the petitioner is taking the benefit of inaction on the part of the police not to arrest him so far despite the fact that he has inflicted grievous injuries upon the victim.

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

From the facts before this Court, it transpires that the petitioner is a habitual offender and is already involved in a case relating to the NDPS Act, registered at Police Station Neembahera, District

Chittorgarh (Rajasthan), where he is declared a proclaimed offender. In the present case also, the petitioner is evading arrest for the last 16 months and the respondent-State is on record to submit that the investigation of the case has not been done properly by the Investigating Officer, against whom also departmental action is being taken for the lapses.

Once, the petitioner has inflicted grievous injuries, his custodial interrogation is necessary so as to recover the weapon. Further, the conduct of the petitioner that he is not only a proclaimed offender but is also evading arrest for the last 16 months in the present case, does not inspire confidence in this Court so as to grant the benefit of anticipatory bail to the petitioner and that too in a second petition, which has been filed without there being any changed circumstances after the first anticipatory bail application was withdrawn.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

July 12, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No