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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29091-2021

Date of decision-29.10.2021

GURINDER SINGH ALIAS GINNI

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Manish Prabhaker, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 226 dated 25.06.2021 under Sections 3(1)(x) SC and ST Act 1989 (Amendment 2015), Section 67 Information Technology Act, 2000 & Section 506 Indian Penal Code, 1860, registered at Police Station Islamabad, District Police Commissionerate Amritsar.

On 27.07.2021 following order was passed by this Court:-

“Learned counsel contends that initially at the instance of the petitioner, FIR No.162 dated 19.05.2021, under Sections 379(2), 341, 323, 324, 506, 148, 149 IPC and Sections 25, 27 Arms Act, Police Station, Islamabad, District Police Commissionerate Amritsar (Annexure P-2) was registered against seven persons, including Sanjeev Kumar, complainant in subject FIR No.226 dated 25.06.2021 (Annexure P-1). According to him, FIR

No.226 has been registered in retaliation to the case lodged by the petitioner and as per allegations, the petitioner telephonically conveyed certain utterances to Sanjeev Kumar, which are punishable under SC & ST Act. He further submits that since the alleged utterances were not made in public view, therefore, it would be debatable if any offence is made out.

Notice of motion for 29.10.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.

At this stage, Mr.Manish Prabhakar Advocate appears on behalf of the complainant.”

Learned State counsel on instructions from ASI Atambir Singh has stated that the petitioner has been convicted in case FIR No. 119 dated 04.09.2009, under Section 22 NDPS Act, Police Station Goindwal Sahib through judgment of conviction dated 19.08.2021.

This fact is not disputed by learned counsel for the petitioner, who states that against the judgment of conviction, criminal appeal has already been filed. He prays for an adjournment.

A perusal of the petition reveals that the petitioner has made a specific averment in Para 12 that neither he is involved in any other case/FIR, nor convicted in any other case. The assertion is false and has been made to mislead the Court. Since the petitioner is already in prison, no case is made out for grant of anticipatory bail.

Dismissed.

29.10.2021

Vipin kumar

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No