

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-40187 of 2021
Date of Decision: 27.09.2021

Amritpal Singh

...Petitioner

Versus

The State of U.T. (Chandigarh)

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Yugansh Siwach, Advocate, for the petitioner.
Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.29, dated 17.01.2018, having been registered at Police Station Manimajra, Chandigarh, alleging therein the commission of offences punishable under Sections 103 and 104 of the Trade Mark Act, 1999.

Learned counsel for the petitioner submits that the petitioner already having been admitted to bail by the arresting officer himself, with the report under the provisions of Section 173 (2) of the Cr.P.C. now having been submitted to the trial court, the petitioner is apprehending his arrest 'by the trial court'.

It is seen that upon a similar petition filed before the learned Addl. Sessions Judge, Chandigarh, it has already been observed by that court that the petitioner had already been admitted to bail while joining

investigation and that the court of the learned JMIC, Chandigarh, has only issued notice to him.

Thus, the petition seeking anticipatory bail was held to be not maintainable and on that count, it was dismissed by that court.

Though otherwise I would see no reason to entertain this petition, but since the learned Addl. P.P., U.T. is already on advance notice of the matter, simply to clarify the position, he has been asked (with issuance of formal notice at this stage waived), as to whether there was any condition put at the time of admitting the petitioner to bail, that the bail and surety bonds would continue to enure only during the period of investigation and not thereafter, or would be forfeited etc. after the report under Section 173 of the Cr.P.C., was submitted. He submits that there was no such condition imposed at the time when the petitioner was admitted to bail by the arresting officer.

That being so, I see no reason to entertain this petition, which is consequently dismissed without making any comment on the merits of the case.

However, obviously, unless there are cogent reasons for seeking arrest of the petitioner, in which case he would be given 7 days notice prior to his arrest, he would continue to remain on bail.

Upon appearing before the trial court, that court would follow procedure as regards continuing the petitioner on the bail already granted to him, if necessary by obtaining fresh bail and surety bonds (unless of course,

as already said, there are cogent reasons for seeking his arrest, in which case he would be given 7 days notice prior to his arrest).

27.09.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No