

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42112-2021

Date of decision : 24.11.2021

Gopal Singh Bhond

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Varinder Basa, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.199 dated 10.12.2020 registered under Section 25 of Arms Act, 1959 at Police Station Gharinda, District Amritsar, Punjab.

On 13.10.2021, this Court had passed the following order:-

“Learned counsel for the petitioner has submitted that in the present case, on the last date of hearing, notice of motion was issued but no interim direction was granted in favour of the petitioner and, thus, the petitioner could not join the investigation and it is again reiterated that the petitioner is involved in the present case only on the basis of disclosure statement and which, as per the judgment passed in CRM-M-12051-2020, by a Co-ordinate Bench of this Court dated 17.06.2020 titled as “Mewa Singh Vs. State of Punjab” and the judgment passed in CRM-M-12997-2020 titled as “Daljit Singh Vs. State of Haryana”, is not admissible in evidence. It has been further submitted that the petitioner is not involved in any other case.

Learned State counsel has submitted that as far as the involvement of the petitioner in the other cases is concerned, it seems that the petitioner is involved in cases which are outside the State of Punjab and, thus, the necessary information can only be obtained, if some time is granted.

Keeping in view the above facts and circumstances, the case is adjourned to 24.11.2021.

The Senior Superintendent of Police, Amritsar (Rural), is directed to look into the matter and file his affidavit detailing the cases in which the petitioner is involved both in the State of Punjab as well as in other states.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance to the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined the investigation. He has also filed an affidavit of the Senior Superintendent of Police, Amritsar Rural, which is taken on record. As per the said affidavit, the petitioner is involved in one more case, i.e. FIR no.239 dated 25.09.2010 registered under Section 25A of Arms Act and Section 5 of Explosive Act, 1908 at Police Station Bhagwanpura, District Khargon, Madhya Pradesh.

Learned counsel for the petitioner has submitted that the said

He has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi vs. State of U.P. and another**”, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the above said facts and circumstances, more so the facts which have been noticed in the order dated 13.10.2021, and also the fact that the petitioner has also joined investigation and also the law cited by the learned counsel for the petitioner in **Maulana Mohd. Amir Rashadi's** case (supra), the present petition for anticipatory bail is allowed and interim order dated 13.10.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 24, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No