

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

**CRM-M-50803-2019
Date of Decision : 02.09.2021**

Rajwinder Singh alias Raj Petitioner
Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sukhpreet Grewal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.102 dated 10.10.2015, registered under Section(s) 302, 34 IPC and Sections 25, 27 & 54 of the Arms Act, 1925 at Police Station Phase 8, District Mohali.

Learned counsel for the petitioner has submitted that the petitioner was an accused in the aforesaid FIR and he was granted regular bail by this Court vide order dated 08.08.2017, passed in CRM-M-2475-2016 and the trial of the case is commencing. He has further submitted that however, on 22.10.2019, the petitioner did not come present before the learned trial Court and on that date, the learned State counsel of the trial Court had submitted that the petitioner has committed another offence and had shot the witness of this case and that is why he has not come present and, therefore, the learned trial Court cancelled bail order operating in favour of the petitioner as well as the other accused too. Thereafter, the

present petition has been filed before this Court on the ground that infact the petitioner was directed to appear before the learned trial Court but he was under an impression that he has been involved in another case. However, thereafter it was found that actually he was not named in the FIR and he has wrong impression in that regard and, therefore, his non-appearance before the trial court on one occasion was because of the reason justified by him.

On 29.11.2019, this Court had directed the petitioner to surrender before the trial Court/Duty Magistrate within 07 days and on his appearance he shall be released on interim bail till the next date of hearing on his furnishing bail bond and surety bond to the satisfaction of trial Court/Duty Magistrate.

The respondent-State has filed an affidavit in the present case in which it has been mentioned that another FIR No.131 dated 18.10.2019 was registered under Sections 307/452 IPC and Sections 25, 27 of the Arms Act, at Police Station Phase-8, SAS Nagar against the other co-accused namely Munish Prabhakar and two unknown persons who were later on identified as Parvinder Singh alias Gagoo and Lovejeet Singh.

Learned counsel for the State has further submitted that so far as the present petition is concerned, the petitioner has not been named in the FIR. He is not involved in aforesaid FIR wherein the witness was shot dead. However, the petitioner is having a background wherein out of 09 cases, he has been acquitted in 07 cases and in the remaining two cases he is facing trial.

I have heard learned counsel for the parties.

In the present case, this Court vide order dated 08.08.2017,

passed in CRM-M-2475-2016, granted regular bail to the petitioner. |The said order had attained finality as the State never challenged the same. However, on 22.10.2019, the learned trial Court had cancelled the bail orders of the petitioner on the ground that he was absent on that date. This Court, vide order dated 29.11.2019, had directed the petitioner to surrender before the trial Court within 07 days and he shall be released on interim bail till the next date on his furnishing bail bond and surety bond to the satisfaction of the trial Court/Duty Magistrate. Both the learned counsel for the parties have submitted that in pursuance of the said order dated 29.11.2019, the petitioner has already surrendered before the trial court. They have further submitted that the order dated 29.11.2019 is only interim in nature.

From the affidavit, filed by the State, it is clear that the petitioner is not involved in the other FIR No.131 dated 18.10.2019 registered under Sections 307/452 IPC and Sections 25, 27 of the Arms Act, at Police Station Phase-8, SAS Nagar which was lodged against the other co-accused, but the petitioner did not appear on 22.10.2019 before the trial Court on some apprehension that he might be falsely implicated in some other case. Furthermore, the learned State counsel has not been able to bring on record any document nor any submission is made to show that the petitioner has otherwise done any misconduct or violated any of the conditions of bail.

The petitioner has already surrendered before the trial Court and he is facing trial but as per the orders of this Court he is on interim bail.

Considering the circumstances of the case, I deem it fit and appropriate to allow the present petition. Consequently, the present petition

is allowed. The interim order dated 29.11.2019, passed by this Court is made absolute.

However, anything observed hereinabove, shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

02.09.2021
mamta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No