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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4962 of 2021 (O&M)
Decided on: 10.02.2022

Bahadur Singh @ Bittu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.262 dated 08.10.2019, registered under Sections 407/120-B IPC at
Police Station Sadar Dhuri, District Sangrur.

The operative part of the order dated 08.02.2021, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“....Learned counsel for the petitioner submits that
the petitioners’ case is on an identical footing as that of
his co-accused, Gurcharan Ram, who was admitted to bail
on 07.07.2020 upon him having filed CRM-M14273 of
2020.*

The said order reads as follows:-

*“All cases listed today have been taken up for
hearing by way of video conferencing because of the
situation existing due to the COVID-19 pandemic.*

*By this petition, the petitioner seeks the concession
of 'anticipatory bail', upon FIR no.262, dated 08.10.2019,
having been registered against him and his co-accused,
alleging therein the commission of an offence punishable
under Section 407 read with Section 120-B of the IPC.*

CASE HEARD THROUGH VIDEO CONFERENCING

When this petition had initially come up for hearing on June 08,2020, the petitioner had been ordered to be admitted to interim bail by this court, upon him joining investigation.

Learned counsel for the petitioner reiterates that the petitioner was never named in the FIR, with only the driver of the truck that went missing, i.e. Pargat Singh, having been so named, and that possibly the petitioner has been named by Pargat Singh as a co-accused in view of the fact that there was some dispute between him, Pargat Singh and one Daler Singh on the purchase of a truck, earlier.

Learned State counsel on the other hand submits that though the petitioner has joined investigation, even the complainant has now named him as an accused and consequently the petitioner is not entitled to the concession of anticipatory bail any further.

Upon query to learned State counsel, as to on what basis the complainant has now named the petitioner, because the driver of the truck which was to make a delivery at Gujarat was Pargat Singh and he alone had been named in the FIR, he submits that no such basis is forthcoming from his instructions but the petitioner has in fact been named as a coaccused by the aforesaid Pargat Singh and one Daler Singh in another FIR of similar nature, recorded at Police Station Patran, District Patiala.

Learned counsel for the petitioner then reiterates what he has submitted, that that disclosure, if any, is only on the basis of personal rivalry between the petitioner and co-accused.

Having considered the matter, without making any comment on the actual merits of the case, but in view of the fact that the petitioner has neither been named as an accused by the complainant in the present FIR, nor in fact is seen to be named as an accused in the other FIR registered at Police Station Patran, District Patiala, on 20.10.2019 (Annexure P-2), and has in fact been admitted by the learned Addl. Sessions Judge, Patiala, to interim bail in that case too, the petition is allowed, with the order dated 08.06.2020 made absolute.

It is however made clear that nothing stated hereinafore, naturally, would be taken to be an observation on the actual merits of the case for or against the petitioner, with all the observations made only being in the context of a petition filed under the provisions of Section 438 of the Cr.P.C. ”

Though the petitioner has obviously come to seek anticipatory bail about 6 months after his co-accused had been admitted to bail, notice of motion is issued, with Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepting notice on behalf of the respondent State, on the asking of

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the court. Upon query, he very fairly could not deny that the petitioner has been named in a disclosure statement by the prime accused, Pargat Singh, as was Gurcharan Ram. Adjourned to 08.04.2021.... ”

Counsel for the petitioner has submitted that, in pursuance to the order dated 08.02.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State has filed reply on behalf of the Deputy Superintendent of Police, Sub-Division Dhuri, and on instructions from ASI Surjit Singh, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 08.02.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2022
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No