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

CRM-M-6849-2022

Date of decision : 18.02.2022

Angrej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Srishti Shukla, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.112 dated 13.12.2018 registered under Sections 307/353/186/34 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) and Sections 25/27 of the Arms Act, at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and thus, offence under Section 307 of the IPC is not even remotely made out. It is further submitted that the present FIR has been registered at the behest of Raminder Singh who is the present Sarpanch of Village Mallanwala and the same was

registered as the present petitioner was earlier the Sarpanch of Village Mallanwala and there is political rivalry between them. It is argued that the petitioner is further ready to cooperate with the investigation which is still stated to be pending.

Notice of motion.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that in the present case, the Special Investigation Team (for short "SIT") has been constituted which is inquiring into the matter. He has further submitted that the petitioner has joined the inquiry which is being conducted by the SIT. He has however, pointed out that there are two more FIRs registered against the present petitioner.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has submitted that both the said FIRs are of the year 2018 and has further submitted that in FIR No.96 dated 08.10.2018, ad interim bail has been granted to the petitioner and in FIR No.111 dated 12.12.2018, anticipatory bail has been granted to the petitioner and all the said FIRs were registered in order to restrain the petitioner from contesting the elections. She has further placed reliance 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 and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is

involved in another case.

This Court has heard the learned counsel for the parties and perused the paper book.

It is not in dispute that in the present case, no injury has been caused to any person. The SIT has been constituted and inquiry is still pending and it is not in dispute that the petitioner is cooperating with the said inquiry and the FIR is of the year 2018 and till date, no report under Section 173 of Cr.P.C. has been filed. The present petitioner was earlier Sarpanch of village Mallanwala and thus, argument of learned counsel for the petitioner to the effect that the said FIR has been registered on account of political rivalry cannot be outrightly rejected.

The Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi's case*** (Supra) has held as under:-

“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 abovesaid facts and circumstances as well as law laid down in ***Maulana Mohd. Amir Rashadi's case*** (Supra), the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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 application.

18.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No