

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9693-2021

Date of decision : 28.04.2022

Amritpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.31 dated 14.03.2020 registered under Sections 420, 120-B IPC (Sections 419 and 201 IPC added later on) at Police Station Beas, District Amritsar.

On 02.03.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“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.31, dated 14.03.2020, having been registered at Police Station Beas, District Amritsar, alleging therein the commission of offences punishable under the provisions of Sections 420/120-B of the IPC, with Sections 419/201 thereof added subsequently in the FIR.

Learned counsel for the petitioner submits that the petitioner was never named in the FIR but he has been arraigned as a suspect, due to which his house is being raided time and again.

He also points to the order of the learned Addl. Sessions Judge, Amritsar, dated 09.11.2020 (Annexure P-2), to submit that though 4 bail applications in the same case came before that court, the role of the petitioner has not been discussed anywhere while dismissing all four applications.

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 the court.

A copy of the petition be given to the learned State counsel by the counsel for the petitioner today itself.

Adjourned to 10.03.2021.

To be heard along with CRM-M-23735 of 2020 and other connected petitions.

In the meanwhile, the petitioner is directed to join investigation within one week and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A gazetted officer is directed to file a common reply to all petitions, including the present one giving the role of each petitioner.

02.03.2021

(AMOL RATTAN SINGH)
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation. It is further submitted that the petitioner is not named in the FIR and no specific role has been attributed to the present petitioner.

Learned State counsel, on instructions from ASI Sarabjit Singh has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances

moreso, the fact which has been noticed in the order dated 02.03.2021, and also the fact that the petitioner is not named in the FIR and no specific role has been attributed to the petitioner and he has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 02.03.2021 is made absolute.

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

April 28, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No