

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17554-2022
Date of decision : 02.08.2022

Amaninder Singh @ Maninder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Tanu Bedi, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 read with Section 438 and 439 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.22 dated 19.01.2012 registered under Sections 353, 186, 420, 149 IPC and Sections 42 and 45 of the Jail Act at Police Station Kotwali Faridkot, Faridkot.

On 18.05.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The present petition has been filed under Section 482 read with Sections 438 and 439 Cr.P.C. for grant of anticipatory bail to the petitioner in a case registered against him vide FIR No.22 dated 19.01.2012 under Sections 353, 186, 420, 149 IPC & Sections 42, 45 Jail Act, with Police Station Kotwali Faridkot, Faridkot.

The learned counsel for the petitioner inter alia contends that the co-accused have been acquitted and no useful purpose would be served by sending the petitioner into custody even though he is proclaimed offender. Reliance is placed on (i) Mahender Kumar versus State of Himachal Pradesh 2021(1) RCR

(Criminal) 156, (ii) Shishupal versus The State of M.P. (M.Cr.C. No.3940-2021 decided on 23.02.2021), (iii) Balveer Singh Bundela versus State of Madhya Pradesh (M.Cr.C. No.5621-2020 decided on 12.05.2020), (iv) Sukumar Jain versus UOI (Bail No.5883 of 2020 decided on 12.02.2021), (v) Mamta Giri versus State of U.T., Chandigarh (CRM-M-3052-2022 decided on 01.02.2022) (vi) Lavesh versus State (NCT of Delhi), (2012) 8 SCC 730.

Notice of motion for 21.07.2022.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 31.05.2022 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any. Meanwhile, the State is directed to file an affidavit as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.

(JASJIT SINGH BEDI)
JUDGE

May 18, 2022”

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

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation. It is further submitted that there are two other FIRs registered against the present petitioner.

Learned counsel for the petitioner, in rebuttal, has submitted that in one case, the petitioner has been granted bail and in the second case, the petitioner has been convicted and his sentence has been suspended by this Court. 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 moreso, the facts which have been noticed in the order dated 18.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 18.05.2022 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

August 02, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No