

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

CRM-M No. 42995 of 2022

Date of decision : September 19, 2022

Ankit

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sunil Kumar, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.69 dated 11.07.2022 for offences punishable under Section 384, 506 and 473 IPC and Section 25 of the Arms Act registered at Police Station Dhakoli, Zirakpur, District S.A.S Nagar, Mohali, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner while referring to the bank statement appended as Annexure P-2 with the petition submits that infact it is a case related to monetary transactions. The petitioner had lended certain amounts of money to one Ranjit Singh and Fuzail who as per him are related to the hotel/restaurant (regarding which it is alleged that petitioner demanded ransom money). He thus, submits that it is a case where on asking of the money back the borrowers have misused and abused the process of law by getting the present case registered.

On advance notice, Mr. Gurdarshan Singh Sidhu, Asstt. A.G.,

Punjab who is present in Court appears and submits that the petitioner is a habitual offender and is already facing four more cases out of which three cases relate to similar allegations.

I have heard learned counsel for the parties and have gone through the record of the case.

A bare perusal of the statement appended as Annexure P-2 with the petition shall reveal that the money has been advanced to one Ranjit Singh and one Fuzail. Admittedly, the present FIR has been registered on the complaint made by one Feroz Alam s/o Nijamuddin and his brother-in-law Krishna Kumar who is stated to be looking after the hotel.

In Gurbaksh Singh Sibbia Vs. State of Punjab, 1980 (2) SCC 565, Apex Court has held that:-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail....”

Keeping in view the conduct of the petitioner and the fact that he is a habitual offender repeatedly indulging in similar kind of activities,

no ground is made out for grant of pre-arrest bail.

Consequently, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

September 19, 2022
archana

Whether speaking/reasoned	Yes
Whether Reportable :	No