

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43766-2022
Date of decision : 22.09.2022

Satpal Sidhu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gautam Kaile, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, 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.0164 dated 14.10.2021 registered under Section 229-A IPC at Police Station Division no.2, Pathankot.

Learned counsel for the petitioner has submitted that the present FIR no.164 dated 14.10.2021 has been registered on account of non appearance in FIR no.99 dated 13.07.2013 under Sections 420, 120-B, 417, 418 IPC and in the said FIR i.e., FIR no.99, after the order dated 01.10.2021, subsequent order dated 14.10.2021 was passed for issuance of proclamation under Section 82 Cr.P.C. and the petitioner filed CRM-M-45138-2021 in which challenge was made to the order dated 14.10.2021 passed in the proceedings in FIR no.99 and also sought quashing of the FIR no.164 and in the said proceedings, the petitioner was directed to appear

doing so, he was directed to be released on interim bail and thereafter, since the petitioner had complied with the same, the order dated 14.10.2021 in FIR no.99 was set aside. It is further submitted that the petitioner has been appearing in FIR no.99 regularly. It is further submitted that however in the present FIR no.164 dated 14.10.2021 which was registered on account of non appearance in FIR no.99, the police was wanting to arrest the petitioner and thus, the petitioner had filed application for anticipatory bail in which the Additional Sessions Judge after observing in favour of the present petitioner has, ultimately, dismissed the application and had directed him to surrender before the trial Court / Duty magistrate within a period of 15 days. It has been stated that in FIR no.164, challan has not been presented and it is submitted that the petitioner is ready to fully cooperate with the investigation in pursuance of FIR no.164 dated 14.10.2021.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the present FIR was registered in view of the directions passed by the trial Court on 01.10.2021 on account of non appearance of the petitioner in FIR no.99 dated 13.07.2013.

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

The present FIR, i.e. FIR no.164, has been registered on account of non appearance of the petitioner in FIR no.99 dated 13.07.2013. The order dated 14.10.2021 passed in FIR no.99 vide which order for issuance of proclamation against the petitioner, was challenged by the petitioner by filing CRM-M-45138-2021 and this Court vide order dated 28.10.2021, had directed the petitioner to appear in the proceedings and also pay Rs.30,000/- to the complainant and thereafter, the petitioner was

granted interim protection. The petitioner complied with the same and accordingly, vide order dated 16.11.2021, the order dated 14.10.2021 passed in FIR no.99, was set aside. It is the case of the petitioner that he had been regularly appearing in FIR no.99 and has relied upon the zimni order (Annexure P-4 colly). It is argued that inspite of the same, the anticipatory bail application of the petitioner in FIR no.164 has been rejected by observing that the petitioner would surrender before the trial Court / Duty Magistrate.

Keeping in view the above said facts and circumstances, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

It is made clear, in case, the petitioner fails to join 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 petition.

(VIKAS BAHL)
JUDGE

September 22, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No