

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-20423-2023

Date of decision: 08.08.2023

Sukhchain Singh @ Bobby

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulwinder Singh Dhillon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
assisted by ASI Hira Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.12 dated 14.01.2023 under Sections 216, 222, 224, 353, 186, 148 and 149 of the IPC, registered at Police Station Chheharta, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner, who is a young boy, has been falsely implicated in the case in hand for having given shelter to Daler Singh and Sandeep Singh @ Laddi who were wanted in case FIR No.127/2022 under Sections 452, 336, 323, 341, 506, 148 and 149 of the IPC and Section 25 of the Arms Act at P.S. Chheharta and FIR No.129/2022 under Sections 336, 427, 506, 148 and 149 of the IPC and Section 25 of the Arms Act at P.S. Chheharta, with the active connivance of the co-accused.

3. Vide order dated 25.04.2023, a Coordinate Bench of this Court had passed the following order:-

“Counsel for the petitioner submits that the petitioner is a young boy and is a student of BA 1st year and is falsely implicated in the present case. He further submits that the petitioner and other members of his family are having no concern with alleged co-accused Daler Singh and Sandeep Singh @ Laddi who as per prosecution version were given shelter by the petitioner and other members of his family. He further submits that the petitioner is ready to join the investigation with the police.”

3. On being put to notice, learned State counsel on instructions had opposed the prayer made by the petitioner for extending the concession of anticipatory bail by urging that he along with other co-accused i.e. his family members had restrained the police officials from performing official duties as a result of which both the wanted accused i.e. Daler Singh and Sandeep Singh @ Laddi had managed to escape. The Coordinate Bench, however, had extended the concession of interim bail to the petitioner vide order dated 25.04.2023.

4. Learned counsel for the petitioner submits that in compliance of order dated 25.04.2023, the petitioner has joined investigation and cooperated with the investigating agency.

5. However, learned State counsel, on instructions from ASI Hira Singh, has disputed the submissions made by the counsel opposite by contending that no doubt the petitioner had joined investigation in compliance of order dated 25.04.2023, however, the petitioner had not been cooperating with the investigating agency as he had failed to reveal the whereabouts of the two wanted accused Daler Singh and Sandeep Singh @ Laddi. It has still further been submitted by the learned State counsel on instructions that the petitioner has not approached this Court with clean hands as he has concealed his

criminal antecedents. In support, learned State counsel has drawn the attention of this Court to para 9 of the petition wherein it has been averred that the petitioner is not involved in any other FIR case nor has he been declared a proclaimed offender by any competent Court of law. Learned State counsel has submitted that the said averment is factually incorrect as the petitioner is involved in the following 05 cases:-

(i) Report No.21 dated 04.07.2019 under Sections 107/151 of the Cr.P.C.

(ii) FIR No.209 dated 25.10.2019 under NDPS Act at Police Station Chheharta, Amritsar.

(iii) FIR No.174 dated 07.09.2020 under Sections 336, 323, 148, 149 and 506 of the IPC and Section 25 of the Arms Act at Police Station Chheharta.

(iv) FIR No.46/21 under Section 21 of the NDPS Act at Police Station Chheharta.

(v) FIR No.127 dated 09.06.2022 under Sections 452, 336, 341, 323, 148 and 149 of the IPC and Sections 25-54-59 of the Arms Act at Police Station Chheharta, Amritsar.

6. It has still further been submitted that the crime in question had been committed by the petitioner when he was on bail in the other criminal cases which already stood registered against him, hence, the petitioner did not deserve the concession of anticipatory bail as he had misused his concession of bail. Learned State counsel has vehemently prayed for the dismissal of the instant petition as the custodial interrogation of the petitioner is required.

7. Learned counsel for the petitioner has not been able to

dispute that the petitioner is indeed involved in 05 other criminal cases which fact was withheld in the petition. He has, however, submitted that identically placed co-accused Poonam Kaur has already been granted the concession of interim bail by this Court vide order dated 02.03.2023. In support of his submissions that pendency of other cases against an accused should not come in the way of a Court for extending the concession of anticipatory bail, learned counsel has placed reliance upon ***Prabhakhar Tewari Vs. State of U.P. & Anr. : 2020(1) RCR (Criminal) 831.***

8. Learned State counsel on instructions has rebutted the submissions made by the counsel opposite qua he being identically placed with co-accused Poonam Kaur. Learned State counsel has submitted that co-accused Poonam Kaur, no doubt, has been extended the concession of interim bail, however, she has clean antecedents and is not involved in any other criminal case.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. As per the instructions received by the learned State counsel the custodial interrogation of the petitioner is required as he has failed to cooperate with the investigating agency. Furthermore, reliance placed upon ***Prabhakar Tewari's case (supra)*** would not come to the rescue of the petitioner firstly because the petitioner had not approached this Court with clean hands by concealing his criminal antecedents. Secondly, it is a matter of record that the petitioner was on bail in the other criminal cases which stood registered against him, when the crime in question was committed. In the circumstances, prima

facie it is evident that the petitioner had misused the concession of bail which had been granted to him in the other criminal cases which are pending against him. This Court, therefore, is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

11. Accordingly, the instant petition is dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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