

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

**CRM-M No.38057 of 2023 (O&M)
Date of Decision: 20.12.2023**

Amritpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kamal Gupta, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0011 dated 04.02.2023, under Section 379-B of the Indian Penal Code, 1860, registered at Police Station, Sadar Tarn Taran, District Tarn Taran.

(2) Above FIR was registered on the basis of statement made by complainant-Gurbhej Singh against unknown persons with the allegations that on 02.02.2023, he was riding a motorcycle and his co-worker, namely, Sandeep Singh was sitting on the rear seat. Both were going to Village Naurangabad for collection of the loan amount. At around 08:40 p.m., when they reached near the bridge of Sanghe Canal, 9-10 persons, armed with *Datars & Kirpans*, on

three motorcycles came from behind; surrounded the complainant party and snatched the motorcycle, along with documents, on the point of *Datars*. During investigation, on the basis of secret information, co-accused Bikramjit Singh arrested and he suffered disclosure statement that he, along with other co-accused including the petitioner, has committed the offence. On the basis thereof, petitioner has been nominated as an accused in the present case.

(3) Learned Counsel for the petitioner contends that he has been falsely implicated in the present case and on the basis of alleged disclosure statement, petitioner has been nominated as an accused in the present case.

(4) *Per contra*, learned State Counsel on instructions from the police official concerned opposed the bail while submitting that petitioner is involved in another FIR No.147 dated 20.09.2023, under Sections 392, 397 read with Section 511, 307 read with Section 34, 353, 186 of the Indian Penal Code, 1860; under Sections 25(6), 25 (7), 25(8) & 27 of the Arms Act, 1959, registered at Police Station Sirhali, District Tarn Taran and consequent upon that, he has already been arrested. Also submits that as on today, petitioner is in judicial custody in the aforesaid case; thus, this petition would not be maintainable.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) The Coordinate Bench, while issuing notice of motion on 04.08.2023, granted interim bail to the petitioner in the following manner:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.11 dated 04.02.2023, registered under Section 379-B IPC at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel contends that there is a delay of two days in lodging the FIR. The petitioner has been falsely implicated in the case. His name surfaced based on the disclosure statement of co-accused Bikramjit Singh, who is on interim bail under Section 167(2) CrPC. The story put-forth by the complainant is also not plausible of him having gone to collect the loan amount late at night. After lodging of the present FIR, the petitioner has been falsely implicated in another case, on disclosure statement of some other person. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 14.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 14.09.2023.”

(7) Concededly, petitioner was granted interim bail by the Coordinate Bench; but despite that, he is found to be involved in another case bearing FIR No.147 dated 20.09.2023 (*supra*) and as on today, he is in judicial custody in that case. Thus, it can be safely inferred that petitioner has misused the concession of interim bail, already granted in the matter, disentitling him for grant of discretionary relief by this Court.

(8) In view of the above, this Court has no option except to dismiss the petition.

- (9)Ordered accordingly.
- (10)Needless to say that interim order dated 04.08.2023 shall come to an end, automatically.
- (11)The above observations may not be construed as an expression of opinion on merits of the case.
- (12)Pending application(s), if any, shall also stand disposed off.

20th December, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No