

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

CRM-M-53840-2023

Date of Decision: 30.10.2023

Sukhjinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhawesh Chauhdary, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Earlier the petitioner approached this Court by way of filing CRM-M-6911-2023. However, after arguing for some time, counsel for the petitioner prayed for withdrawal of the petition with liberty to surrender before the Court of competent jurisdiction. Thus, this Court allowed the petition to be withdrawn with liberty to the petitioner to surrender before the Court concerned within 7 days vide order dated 09.02.2023. However, the petitioner failed to surrender and has approached this Court again by way of filing the present second petition.

Though present petition is the second petition filed for grant of anticipatory bail to the petitioner in FIR No.30, dated 08.02.2022, registered under Sections 420/465/468/471/120-B IPC, at Police Station Division No.8, District Jalandhar, however, it was mentioned as first petition filed under Section 438 Cr.P.C., which is factually incorrect as reported by the Registry.

As per facts of the case, complainant, namely, Karamjit Kaur lodged the present FIR alleging that that her marriage was solemnized with Baljit Singh on 02.11.2014. On 02.11.2020 at about 9 p.m., her father-in-

law Darshan Singh and husband Baljit Singh gave her beatings. She alleged that her father-in-law also tried to kill her by strangulating her with chunni. She made a complaint to the Police on number 112. When PCR reached her house, she was made to sit in the house of neighbourer by them as she was too frightened and nervous and they went away. Her in-laws threatened her that if her family members come, they would also be beaten. Thereafter, FIR No.18 dated 21.02.2021 under Sections 406, 498-A IPC was registered against her father-in-law, husband and other family members.

She alleged that the statement made by Gurudwara Prabhandhak Committee that the complainant came to Gurudwara Sahib on 02.11.2020 is totally false as there was no Kirtan or Samagam on her marriage anniversary. She further alleged that from her call details it could be verified that she did not go to Gurudwara Sahib. She alleged that Gurudwara Prabhandhak Committee had falsely prepared the report that members of her in-laws were present on that day and were serving in Gurudwara Sahib till 11:00 p.m. It was alleged that her in-laws had good relations with the Gurudwara Prabhandhak Committee and hence, wrong information was given by them to help her in-laws. Thus, on these allegations, the present FIR was lodged. Apprehending arrest the petitioner earlier approached this Court as stated above and hence, filed the present second petition for grant of anticipatory bail.

Learned counsel for the petitioner has submitted that the petitioner is the member of Gurdwara Sri Gobindsar Prabandhak Committee, who is performing his duties with devotion. He submits that Darshan Singh father-in-law of the complainant offered his services in the Gurudwara Sahib on 02.11.2020. He submits that the complainant has

lodged FIR No.18 dated 21.02.2021 under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana against her husband and father-in-law alongwith other family members. He submits that Darshan Singh used letter/certificate dated 21.11.2020 issued by Gurudwara Prabhandhak Committee before this Court for taking the benefit of bail in FIR No.18 as mentioned above. He submits that it was alleged that the letter/certificate dated 21.11.2020 was forged and fabricated. He has submitted that the allegations made are totally false and frivolous and no custodial interrogation of the petitioner is required. He has further submitted that co-accused, namely, Narinder Singh, Bhupinder Pal Singh, Pavittar Singh, Jagtar Singh and Inderjit Singh have been granted anticipatory bail by this Court vide orders dated 19.07.2023, 24.08.2023, 06.09.2023 and 03.10.2023, respectively. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is evident that the petitioner earlier approached this Court by way of filing CRM-M-6911-2023, which was allowed to be dismissed as withdrawn with liberty to the petitioner to surrender before the Court concerned within 7 days, vide order dated 09.02.2023.

As per the law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty.

The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997)**

7SCC 187, held as under:-

“6.We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

There is no gainsaying that the petitioner again approached this Court praying for grant of anticipatory bail. Precise submission made by counsel for the petitioner is that the co-accused have been granted anticipatory bail by this Court, after the disposal of the first petition filed by the petitioner. Grant of anticipatory bail to the co-accused would not be a ground to recall the earlier order passed by this Court on 09.02.2023. The petitioner having failed to satisfy this Court on earlier occasion prayed for withdrawal of his earlier petition, wherein, he was granted liberty to surrender before the competent Court of jurisdiction within 7 days. The present petition is the second successive anticipatory bail filed by the

petitioner.

The Hon'ble Supreme Court in G.R. Ananda Babu Vs. State of Tamil Nadu, 2021(1) RCR (Criminal) 843 has held that successive anticipatory bail applications ought not to be entertained on specious ground of 'Changed Circumstances'.

The earlier petition for anticipatory bail filed by the petitioner was withdrawn on 09.02.2023 and he was given liberty to surrender before the Court concerned within 7 days. Neither the petitioner has complied with the said order nor he has been arrested till date by the investigating agency.

Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed on both counts i.e. on maintainability being second petition as well as on merits.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.10.2023
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE