



217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5443-2024
Date of decision: 30.09.2024

Navtej Singh and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. H.S. Sidhu, Advocate
for the petitioners.

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J

Petitioners have filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.21, dated 07.02.2020 under Section 379-B(2) IPC and Sections 25 and 27 of Arms Act, registered at Police Station City Patti, District Tarn Taran.

2. As the facts of the case are, Satnam Singh complainant gave a statement that he is running a studio in the name of Ruby Photo Studio. On 05.02.2020 at about 08.00 p.m. he received a call from mobile phone No. 7814403915, the said caller stated that he was Sandhu Photographer from Patti and on 06.02.2020, there was a departure of baraat from Patti to Amarkot and he was to attend the said programme for photography. He reached Patti railway station at about 7.30 a.m. by train and contacted on the said mobile phone. Ultimately, he received message that a Swift car will come to pick him up. At about 8.30 a.m., one Swift car came and he sat in the said car. The driver took the car towards Bahmani Wala Road



link road going to village Kulla, little ahead of bridge of small canal, three youngmen Mullah Fashion were standing there armed with datar and one armed with DBBL rifle. They signalled the car to stop and accordingly driver stopped the car. Said three persons came towards his side and on gun point they forcibly snatched his mobile phone of Samsung company and one movie camera. He was thrown out of the car and they fled away from the spot.

3. Learned counsel for the petitioners argued that they are falsely implicated in this case. They are named in the FIR on the basis of disclosure statement recorded in FIR No.8 dated 06.02.2020 under Sections 379-B, 411 IPC and under Sections 25 and 27 of Arms Act registered at Police Station Harike District Tarn Taran. In fact the present petitioners are falsely implicated in this case. In the aforesaid FIR, present petitioners were released on bail on 19.03.2020, copy of order is annexed as Annexure P-2. They were never called in the investigation of this case. They are still ready to join the investigation. Thus, it is prayed that their anticipatory bail application may be allowed.

4. Status report has been filed. It is confirmed that present petitioners were nominated on the basis of disclosure statement in FIR No.8 dated 06.02.2020 registered at Police Station Harike District Tarn Taran. There was lapse on the part of investigating agency for not taking appropriate action against the petitioners and for this ASI Salwinder Singh and ASI Jagjit Singh are facing departmental inquiry. Present petitioners were nominated and there are specific serious allegations against them. They are required to join the investigation. Co-accused Gurjit Singh arrested in FIR No.8 dated 06.02.2020 admitted their involvement in the



cases but he has not disclosed this fact deliberately. The details of the FIRs is mentioned in Annexure R-1. Therefore, the petitioners are not entitled to be released on anticipatory bail.

5. I have considered the aforesaid facts of the present case. Occurrence happened on 06.02.2020. Present petitioners were nominated on arrest of one accused Gurjit Singh in FIR No.8 dated 06.02.2020. Now the present petitioners are apprehending their arrest. So far as movie camera is concerned that was recovered in the aforesaid FIR. After the lapse of more than two years, no purpose can be served with custodial interrogation especially when the petitioners are ready to join the investigation.

6. Considering the peculiar facts of the present case, anticipatory bail application filed by petitioners-Navtej Singh and Mulkhjit Singh is allowed. They shall not be arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting/ Investigating Officer concerned, subject to condition that petitioners will join the investigation as and when required. They will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

30.09.2024
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |