

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.102

CRM-M-11441-2024

Date of decision : 15.03.2024

Gurjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms.Gurpreet Kaur, Advocate, for
Mr.R.S.Sidhu, Advocate, for the petitioner.

Mr.Amit Goyal, Addl.A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

1. The first petition filed by the petitioner seeking therein anticipatory bail being CRM-M-17230-2021-Gurjit Singh vs. *State of Punjab* was dismissed by this Court on 23.04.2021 through the following order: -

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

Briefly stated, the case of the prosecution is that on 05.02.2020 the complainant, who is a professional photographer, received a phone call from mobile No.7814403915; the caller told him that he was a photographer named Sandhu; the caller further told the complainant that he had been engaged as a photographer for a marriage function on 06.02.2020 at Patti but since he was busy on that day he requested the complainant to cover that function for him to which the complainant agreed; as instructed by the caller, on 06.02.2020, at 07:00 a.m., the complainant reached Patti Railway Station; he then made a phone call on the aforesaid number, which was found switched off; after some time he received a phone call from the aforesaid number; the caller told him that he was sending a vehicle to take the complainant to the venue of the marriage which was to be covered; at about 08:30 a.m., a Maruti Swift car, which was driven by a clean shaved person, picked up the complainant; the driver disclosed his identity to the complainant as the younger brother of the proprietor of Sandhu Photographer at Patti; when the car reached near Garden Colony, Patti, three men, two of whom were having a Datar and third who was armed with a double barrel gun, stopped the car and after issuing threats, they looted the cash that the complainant was carrying, his movie camera and mobile phone.

On the basis of the above, the FIR in question was lodged.

The petitioner who was in police custody in another criminal case of similar nature being FIR No.8 dated 06.02.2020 under Sections 379- B, 411 IPC and Sections 25/27 of Arms Act registered at Police Station Harike, disclosed with regard to his involvement in the present case and also got recovered the movie camera of the complainant.

Learned counsel for the petitioner contends that in FIR No.8 dated

06.02.2020, the petitioner was arrested on 14.02.2020 and remained in custody till 07.04.2020. However, during such period the police did not arrest the petitioner in the FIR in question, which clearly shows that the petitioner has been falsely implicated in this case.

The FIR in question pertains to an incident dated 06.02.2020. The petitioner was arrested in another FIR on 14.02.2020 and remained in custody in that FIR till 07.04.2020. During such period when the petitioner was in custody in FIR No.8 dated 06.02.2020, he disclosed that he was involved in the FIR in question, therefore, after such disclosure made by him, the petitioner was nominated as accused in the FIR in question and his arrest was sought. Not only this, the petitioner is alleged to have got recovered the movie camera of the complainant which was alleged to have been snatched by the petitioner, along with his co-accused, at gun point.

In addition to the aforesaid FIRs, the petitioner is also involved in another criminal case being FIR No.102 dated 06.03.2018 under Section 379 IPC registered at Police Station Civil Lines, district Amritsar, in which he was granted the concession of anticipatory bail by the Additional Sessions Judge, Amritsar, which concession was apparently misused by him by allegedly committing the offence which is the subject matter of the FIR in question as also of FIR No.8 dated 06.02.2020.

In view of the above the petitioner is held not entitled to the grant of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case."

2. A perusal of the afore quoted order reveals that the petitioner's plea for anticipatory bail was rejected on merits.

3. In the light of the above and because for the last three years the petitioner is absconding as also proceedings for declaring him a proclaimed offender are pending before the trial court, no ground for the grant of anticipatory bail to the petitioner is made out.

4. Dismissed.

15.03.2024

shamsher

[DEEPAK SIBAL]
JUDGE

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