

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

CRM-M-16593-2024
DECIDED ON: 18.05.2024

PARAMJIT SINGH ALIAS RIKHIPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. Jasinder Singh Sekhon, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.44, dated 07.03.2024 (Annexure P-1), under Sections 406 and 420 IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

This Court vide order dated 05.04.2024, while issuing notice of motion, granted the concession of interim bail to the petitioner, subject to his joining the investigation.

Learned counsel for the petitioner submits that in pursuance to the order dated 05.04.2024, the petitioner has joined the investigation.

Learned State counsel does not controvert the said fact and further submits that custodial interrogation of the petitioner is not required.

However, learned counsel for the complainant at this stage submits that the petitioner is a habitual offender as he is involved in other cases of similar nature and thus, does not deserve the concession of anticipatory bail at this stage, however, this Court in ***“Baljinder Singh alias Rock vs. State of Punjab”***, has already held that the pendency of other cases and involvement of the petitioner in other cases cannot be a ground to deny the concession of anticipatory bail, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into

but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

As regards his second argument qua the allegation as narrated at Annexure P-2 that in earlier FIR No.116, dated 12.06.2023, under Sections 406 and 420 IPC and Section 13 of Punjab Travels Professional (Regulation) Act, 2014, registered at Police Station Gobindgarh, there was a compromise between the aggrieved and the accused and the cheques given were handed to the aggrieved Amandeep Singh in the said FIR but now those cheques have been wrongly used by the complainant in the present FIR. However, this argument involves a question of disputed fact which is yet to be established by leading evidence and, therefore, cannot be made reason to deny the relief claimed in the instant petition.

In view of the above, the order dated 05.04.2024 is made absolute.

Accordingly, the present petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

18.05.2024
Poonam Negi

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