



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

**CRM-M- 26807 of 2024
Date of Decision:24.05.2024**

Vikas Likhi @ Mopa

....Petitioner

VS.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. This is the second anticipatory bail application.
2. The petitioner through instant petition under Section 438 Cr.P.C.is seeking anticipatory bail in FIR No. 26, dated 08.02.2023, under Section 376 of IPC and Sections 4 and 16 of Protection of Children from Sexual Offences Act(Amended), 2012, 2019, registered at Police Station Division No. 5, District Police Commissionerate, Ludhiana.
3. On the earlier occasion, petitioner preferred CRM-M- 17261 of 2023 before this Court seeking anticipatory bail. The said petition was disposed of vide order dated 13.04.2023. The order dated 13.04.2023 is



reproduced as below:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 26 dated 8.2.2023, under Section 376 of IPC and Sections 4 and 16 of POCSO Act, registered at Police Station, Division No. 5, Ludhiana.

Learned counsel for the petitioner, at the outset, submits that he is ready to surrender before the trial court, however, trial court may be directed to adjudicate bail application expeditiously.

Without commenting upon merits of the case, the trial court is requested to adjudicate bail application of the petitioner within two days, if petitioner surrenders before trial court within 15 days from today and files an application seeking regular bail.

Disposed of.”

4. The petitioner did not surrender before trial court and sought regular bail. He filed second anticipatory bail application before Sessions Court which came to be dismissed vide order dated 19.04.2024 passed by Additional Sessions Judge, Ludhiana. The relevant extracts of order dated 19.04.2024 are reproduced as below:-

“Further, as per the arguments of learned counsel for applicant entire evidence has been recorded by this court. Since, till date, the case is pending for framing of charges against the co-accused and present applicant has not been arrested yet. There is no force in the statement of counsel for the applicant that entire evidence of the prosecution has been recorded. This court fails to understand when a similar anticipatory bail application was dismissed by this court and then applicant



approached the Hon'ble Punjab and Haryana High Court which was disposed off with the directions that the applicant, if surrenders before the trial court within 15 days from the order passed by the Hon'ble Punjab and Haryana High Court, the trial court shall adjudicate the bail application within two days, if the applicant seeks regular bail. Clearly, the applicant has violated and not complied with the directions of the Hon'ble Punjab and Haryana High Court rather a plea has been taken that the directions was to appear in the trial court within 15 days and now those 15 days have elapsed and as such he has filed the present anticipatory bail application. It is observed that the learned counsel for the applicant has not properly understood the orders of Hon'ble Punjab and Haryana High Court and he has tried to interpret the same as per his wishes and same are not acceptable. When a specific direction was given by the Hon'ble Punjab and Haryana High Court to the applicant to surrender before the trial court within 15 days and seek regular bail which was to be adjudicated within two days. Hence, the present anticipatory bail application filed by the applicant is not maintainable and no relief can be granted to the applicant who has willfully disobeyed the directions of Hon'ble Punjab and Haryana High Court passed in CRM-M-17261-2023. Also no new grounds have been mentioned by the applicant to show his genuineness of filing the present second anticipatory bail in this court. So, in view of discussion made above, the present bail application is hereby dismissed bring devoid of any merits. Police record be returned forthwith. application file be attached with the main file."

5. Mr. Aditya Jain, Advocate submits that petitioner was not involved in the alleged offence. The police after completing investigation



has already presented its report under Section 173 Cr.P.C., thus, petitioner deserves concession of anticipatory bail. He further submits that co-accused has already been granted regular bail by this Court vide order dated 20.09.2023 passed in CRM-M- 44084 of 2023.

6. From the perusal of order dated 13.04.2023 passed by this Court, it comes out that said petition was disposed of in the wake of statement of petitioner that he is ready to surrender before the trial court, however, trial court may be directed to adjudicate his application expeditiously. The petitioner did not surrender before trial Court despite his statement before this Court and filed second anticipatory bail application before trial court.

7. In view of statement of petitioner made before this Court while disposing of CRM-M- 17261 of 2023, this Court does not find it appropriate to entertain the present application and extend benefit of anticipatory bail.

8. In view of the above discussion and findings, the petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

24.05.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No