

2025:PHHC:073999



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

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CRM-M-23523 of 2025

Date of decision: 27.05.2025

YASEEN MOHAMMAD

..Petitioner

VS.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kartik Patial, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.(ORAL)

1. Mr. Tanvir Singh Grewal, Advocate puts in appearance on behalf of the complainant and files his Power of Attorney in the Court today.

The same is taken on record.

2. "On 07.05.2025, the following order was passed:-

1. *First anticipatory bail petition filed by the petitioner, was dismissed by this Court, on 06.07.2023 passed in CRM-M-15320-2023, by observing as under:-*

"Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0002 dated 05.01.2023 under Sections 323 and 341 IPC (Sections 308, 325 and 34 IPC added later on) registered at Police Station Sandaur, District Malerkotla, who apprehends his arrest at the hands of Police.

Learned State counsel, on instructions from ASI Harjinder Singh has stated that the petitioner stands arrested in FIR No.55 dated 11.06.2023.

In view of the above, this petition is dismissed as infructuous."

2. *As a second attempt, another anticipatory bail petition was filed by the petitioner, and the same was also dismissed by this Court, vide order dated 29.05.2024, passed in CRM-M-59746-2023, by observing as under:-*

*“Present: Mr. Vinod Bhardwaj, Advocate,
for the Petitioner.*

*Mr. R.S. Thind, DAG, Punjab, assisted by
ASI Harjinder Singh.*

*Mr. Tanvir S. Grewal, Advocate,
for the complainant.*

ALOK JAIN, J. (ORAL)

1. *The present petition is for grant of anticipatory bail to the petitioner in case FIR No.002 dated 05.01.2023 (Annexure P-1), under Sections 323, 341 of IPC (Sections 308, 325 and 34 of IPC added later on), registered at Police Station Sandaur, District Malerkotla.*

2. *Although, vide order dated 14.12.2023, the petitioner was granted the interim protection, however, learned State counsel as well as counsel for the complainant raised a serious issue of forgery and fabrication of bail and surety bonds by the petitioner.*

3. *This Court has heard learned counsel for the parties and perused the record which demonstrates that the antecedents of the petitioner are not clean and he is involved in 06 more FIRs though he is on bail on those FIRs also.*

4. *Learned State counsel assisted by the counsel for the complainant submitted that they have also moved an appropriate application for cancellation of concession so granted to the petitioner, as there is cogent proof that the petitioner has forged and fabricated the bail and surety bonds in FIR No.55 dated 11.06.2023 under Sections 419, 120, 467, 468, 471 and 120-B of IPC, registered at Police Station Fhool, District Bathinda.*

5. *A perusal of the status report filed by the State demonstrates that the petitioner is not cooperating in the investigation and the antecedents of the petitioner are also not clean. Although, learned State counsel admits that the petitioner had joined the investigation in compliance of the order dated 14.12.2023 but asserts on instructions from ASI Harjinder Singh, that the petitioner is not cooperating in the investigation.*

6. *Considering the antecedents of the petitioner, inasmuch as allegations of forging and fabricating the bail and surety bonds which shows that the petitioner has scant respect towards the rule of law, hence, this Court does not find it a case where*

the interim bail granted to the petitioner should be made absolute.

7. *Accordingly, the present petition stands dismissed.*

8. *Nothing stated above shall be construed as an expression of opinion on the merits of the case.*

9. *Pending miscellaneous application(s) shall also stand disposed of.”*

However, on perusal of paragraph No.2 of the aforementioned order dated 29.05.2024, it is not clear that how, petitioner succeeded in obtaining the order of interim protection on 14.12.2023.

3. *In the anticipatory bail petition filed by the petitioner third time, following order was passed by this Court on 13.02.2025 in CRM-M-4380-2025:-*

“The present third petition has been filed interalia praying for grant of anticipatory bail to the petitioner in case FIR No. 0002 dated 05.01.2023, under Sections 323, 341 of the Indian Penal Code and Sections 308, 325 and 34 IPC added later on, registered at Police Station Sandaur, District Malerkotla.

2. *After arguing vehemently on the merits of the case and faced with the averment by the learned State counsel assisted by the counsel for the complainant that the petitioner has been declared as a proclaimed offender in FIR No. 100 dated 29.10.2019, learned counsel for the petitioner prays for withdrawal of the present petition at this stage with liberty to avail appropriate remedies in accordance with law.*

3. *In light of the above, the present petition stands dismissed as withdrawn at this stage with the aforesaid liberty.*

4. *It is made clear that this Court has not expressed any opinion on the merits of the case and the liberty granted, if any, is only on the request of the counsel for the petitioner and is not a direction.”*

4. *From the above reproduced order dated 13.02.2025, it is evident that after vehemently arguing the petition on merits, same was allowed to be withdrawn, without expressing any opinion on the merits of the case.*

5. *It is in this backdrop that petitioner has now filed the instant petition for the fourth time in the year 2025, seeking similar relief.*

6. *Another noticeable aspect of the matter is that FIR was registered way back on 05.01.2023, and despite the petitioner having made several attempts to secure anticipatory bail, he never succeeded, and even having been declared a proclaimed person/offender, Investigating Officer has not taken any effective steps to arrest him. Furthermore, perusal of paragraph No.16 of the present petition itself reveals that the petitioner is facing several other criminal cases.*

7. *On 24.04.2025, conduct of the Punjab Police has already been commented upon by this Court, while considering the facts in CRM-M-17730-2025, and copy of the said order was also forwarded to the Principal Secretary Home, Punjab and Director General of Police, Punjab.*

8. *The present case clearly reflects a lapse on the part of the Investigating Officer in discharging the duties expected in official capacity from him.*

9. *List again on 27.05.2025.*

10. *The concerned Superintendent of Police, is directed to look into the matter and take necessary action in accordance with law before the next date of hearing.*

11. *A copy of this order be forwarded to the Director General of Police, Punjab, as well as the concerned Superintendent of Police, for strict compliance”.*

3. Learned State counsel has filed status report by way of Affidavit dated 26.05.2025 of Gagan Ajit Singh (PPS), Senior Superintendent of Police, Malerkotla, District Malerkotla on behalf of respondent-State in the Court today, same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

Learned State counsel refers to paragraph No. 7 of the status report wherein it is stated that petitioner-Yaseen Mohammad was confined in Central Jail in case FIR No. 55, dated 11.06.2023

under Sections 419/465/467/468/471 and 120-B, Police Station Phool, District Bathinda and on issuance of production warrant it was acknowledged that the accused (petitioner herein) has already been released on bail on 18.10.2023. Thereafter, despite repeated efforts and raids conducted by prosecuting agency, it has failed to arrest him. Counsel for the State by referring to para 11 points out that there are two other criminal cases registered against petitioner, wherein petitioner has already been declared as proclaimed offender and despite directions having been issued in two different such petitions by this Court, has not surrendered back to the Court concerned.

4. Since petitioner is now getting involved in other criminal cases also, after being released on bail in case FIR 55, dated 11.06.2023 under Sections 419/465/467/468/471 and 120-B IPC, Police Station Phool, District Bathinda, the appropriate steps would be taken to seek cancellation of the concession of bail already granted in the said particular case.

Taking note of all aforementioned circumstances and the facts detailed in the status report this Court does not find any special reason to extend the concession of anticipatory bail to the petitioner, accordingly the petition is dismissed.

May 27, 2025
Poonam Sharma

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**