
(2018) 12 P&H CK 0030

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 52867 Of 2018 (O&M)

Jagjeet Singh @ Jagga

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 07-12-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 120B, 306, 384, 506
Arms Act, 1959 — Section 25, 27, 54, 59
Central Excise Act, 1944 — Section 1, 14, 61

Citation : (2018) 12 P&H CK 0030

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Anmol Rattan Sidhu, Pratham Sethi, Yashwinder Singh, Anju Arora

Final Decision : Dismissed

Judgement

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case FIR No.432 dated 16.10.2018 (ANNEXURE P-1), under Section 306, 34 of the Indian Penal Code (Section 120-B, IPC added later on), registered at Police Station City Mandi Dabwali, District Sirsa.

Allegations, in brief, are that about two months ago from the date of registration of the present FIR, Yogesh Mittal (deceased) was threatened for extortion by the petitioner as well as other co-accused and an FIR No.352 dated 20.08.2018 (ANNEXURE P-3), under Sections 120-B, 384, 506, IPC and Section 25 of the Arms Act, in that regard was registered at Police Station City Mandi Dabwali, Sirsa by the deceased himself, but police has not taken any action till date. Further alleged that in view of the apprehension expressed by the deceased in FIR No.352 dated 20.08.2018, he was feeling very scared and approached the police time and again, but they did not pay any heed, rather the police was

pressuring him to compromise the matter. Also alleged that the petitioner along with other co-accused used to threat him to eliminate, therefore, living under fear, committed suicide and left behind two small children.

In compliance of previous order dated 30.11.2018, passed by this Court, affidavit dated 06.12.2018 of Dr. Arun Singh, IPS, Superintendent of Police, Sirsa has been filed and the same is taken on record. Copy supplied to the opposite side.

It is contended by learned Senior Counsel for the petitioner that allegation as to whether petitioner has abetted the commission of suicide by the deceased is a debatable issue and the same will be decided after the conclusion of the trial. Further contended that so far as FIR No.352 dated 20.08.2018 (ANNEXURE P-3) is concerned, the petitioner has not been declared as a proclaimed offender till date and thus trial will take its own course. Also submitted that in FIR No.51 dated 13.06.2017, under Sections 304, 34, IPC; Sections 27/54/59 of the Arms Act and Sections 61/1/14 of the Excise Act, registered at Police Station Nandgarh Bathinda, petitioner stands already acquitted.

On the other hand, learned State Counsel opposed the present petition and prayed for dismissal of the same.

Heard learned Counsel for the parties and perused the record.

This is a matter of record that FIR No.352 dated 20.08.2018, under Sections 120-B, 384, 506, IPC and Section 25 of the Arms Act was registered against the petitioner as well as other co-accused at Police Station City Mandi Dabwali, Sirsa by the deceased himself with the allegations that petitioner demanded the ransom from the complainant by pointing a Pistol that he was going to contest the election of Sarpanch and for which, he needed the amount of ` 15-20 Lakh and failing which, will face the dire consequences. Even there are allegations in FIR No. 352 dated 20.08.2018 that deceased attempted to commit suicide while consuming some poisonous substance, but he was saved as timely taken to the General Hospital, Sirsa and when he regained consciousness, his statement was recorded in the Hospital itself by the police, specifically naming the petitioner along with other co-accused, namely, Rishi Gupta, Vicky Computer SSI and three unknown persons.

Perusal of affidavit dated 06.12.2018, filed by Dr. Arun Singh, IPS, Superintendent of Police, Sirsa, clearly reveals that petitioner is evading his arrest in FIR No.352 dated 20.08.2018, registered on the basis of statement of deceased himself and even arrest warrants against the petitioner have been issued, therefore, one thing is, prima facie, sure that petitioner has no respect for law.

The concession of pre-arrest bail is not to be granted in a routine manner until and unless the parameters laid down in Section 438 Cr.P.C. is fulfilled by the person. Undisputedly, the petitioner is already involved in other criminal case of the serious nature and running away from joining the investigation, which shows

that the petitioner is an habitual offender. It needs to be emphasized that deceased has specifically named the petitioner in FIR No.352 dated 20.08.2018 and since the allegations against the petitioner are serious in nature, therefore, his custodial interrogation is very much necessary to unearth the actual genesis that led to commission of suicide by the deceased. As a result of the above discussion, no case for grant of anticipatory bail is made out.

Accordingly, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on the merits of the case.