

Amrinder Singh Walia vs The State Of Assam on 7 June, 2023

Author: Soumitra Saikia

Bench: Soumitra Saikia

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GAHC010123972023

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2017/2023

AMRINDER SINGH WALIA
S/O COL. MANJIT SINGH WALIA, R/O HOUSE 155/1, RANJIT NAGAR,
AMBALA CITY, P.S.-BALDEV NAGAR, HARYANA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07-06-2023 Heard Mr. R.P. Sarma, learned Senior Counsel assisted by Ms. T. Som, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioner, namely, Page No.# 2/4 Amrinder Singh Walia, who is apprehending his arrest in connection with an FIR dated 30.05.2023 which was received and registered as Changsari Police Station Case No.175/2023 under Sections 365/ 368/

370(4) of the IPC.

It is submitted that earlier on 15/02/2023 an FIR was lodged by the informant which was registered as Changsari Police Station Case No.58/2023 under Sections 365/302/ 201/ 34 of the IPC wherein it was alleged that an unidentified woman was found in a polythene bag by the road side of Changsari National Highway 31. During investigation, the petitioner was arrested. Subsequently, one bail application being Bail Appln. No.1514/2023 was filed by the petitioner before this Court and this Court vide order dated 17.05.2023 disposed of the said bail application by granting bail to the petitioner. It is submitted by the learned Senior Counsel for the petitioner that now another FIR dated 30.05.2023 has been filed alleging that the petitioner, after murdering one Vandhana Shree, in connection to which FIR dated 30.05.2023 which was received and registered as Changsari Police Station Case No.175/2023 under Sections 365/ 368/ 370(4) of the IPC was filed and this Court in Bail Appln. No.1514/2023 had granted bail on 17.05.2023; kidnapped the minor daughter, aged about 4 years of the deceased woman and has concealed and confined the minor child and thereafter, abandoned her for the purpose of trafficking in the Howrah Railway Station. Learned Senior Counsel for the petitioner submits that by filing the subsequent FIR dated 30.05.2023 the informant who is the Additional SP (Crime), Kamrup has subsequently named the petitioner in the FIR in respect of the alleged offence which was not committed by him. It is further submitted by the learned Senior Counsel for the petitioner that in respect of the same offences 2 (two) FIRs have been filed and as such, he may be enlarged on bail.

Page No.# 3/4 Ms. S.H. Borah, learned Additional Public Prosecutor, submits that at this stage the case diary in connection with Changsari Police Station Case No.175/2023 under Sections 365/ 368/ 370(4) of the IPC be called for.

On a query made, the learned Additional Public Prosecutor submits that as on date no application has been filed seeking cancellation of the bail granted earlier by this Court in Bail Appln. No.1514/2023 vide order dated 27.05.2023 in connection with Changsari Police Station Case No.58/2023 under Sections 365/302/ 201/ 34 of the IPC.

Accordingly, let the case diary in respect of Changsari Police Station Case No.175/2023 under Sections 365/ 368/ 370(4) of the IPC be called for.

It is provided that in the meantime in the event of arrest of the petitioner, named above, in connection with the above noted case, he shall be released on interim pre-arrest bail upon furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with 2 (two) local sureties of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 (ten) days from today;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police office; and

(iv) That the petitioner shall not leave the jurisdiction of Tezpur Police Station without obtaining prior written permission from Page No.# 4/4 the concerned Investigating Officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioner.

Let the matter be listed on 11.08.2023 enabling the learned Additional Public Prosecutor to produce the case diary.

JUDGE Comparing Assistant