

- 1) Simarjeet Singh alias Simar Vs. State (BA 3009/21)
- 2) Neetu (named as Seerat in FIR) Vs.State
FIR No.111 dated 15.7.2021.

Under Sec.420/506/34 IPC (Section 386 IPC invoked later on in place of
Sec.420 IPC)

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Present: Shri A.S.Dhillon, Advocate for the applicants.  
APP for the State.

By means of their separate applications, the accused-applicants above named have come up with a prayer for the concession of anticipatory bail in respect of offence punishable under Sec.386 IPC invoked by the investigating agency subsequent to their release from custody, in place of Sec.420 IPC which was originally invoked in the case.

On notice, records have been produced before me which I have perused carefully. A perusal of record shows that both the applicants were admitted to regular bail for the offences punishable under Sec.420/506/34 IPC, vide orders dated 30.9.2021 passed by this Court but subsequent thereto the investigating agency has replaced the offence punishable under Sec.420 IPC with the one punishable under Sec.386 IPC. In the light of the fact that there is no allegation by the complainant that he was ever threatened with death or grievous hurt during the course of alleged acts of extortion, the question as to whether or not Sec.386 IPC gets attracted in the case, is a debatable issue to be considered during the course of trial. As of now, the accused-applicants having already spent considerable period behind the bars on the same allegations and simply because one of the sections originally invoked has been replaced by another one, the allegations remaining altogether the same, the accused-applicants cannot be permitted to be sent behind the bars once again in the same case and on the same allegations.

Thus, considering all these allegations, it is directed that in the event of arrest of the applicants in respect of offence punishable under Sec.386 IPC, they shall be admitted to bail by the arresting/investigating officer. A copy of this order be placed on the file of the connected bail application. The applicants stand disposed of accordingly. File be consigned to the Record Room.

Pronounced:  
9.11.2021.

(Charanjeet Arora)  
Addl.Sessions Judge, Tarn Taran.  
(UID No.PB0178)

