

CRM-M-33302-2017 &
CRM-M-34046 of 2017

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

(1) CRM-M-33302-2017
Date of decision: 15.11.2017

Harsh Kumar @ Teenu

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-34046 of 2017

Surjit Kumar @ Baba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rishu Mahajan, Advocate
for the petitioner in CRM-M-33302-2017.

Mr.Vivek Slathia, Advocate
for the petitioner in CRM-M-34046 of 2017

Mr.Kirat Singh Sidhu, DAG, Punjab.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-33302-2017 filed by petitioner – accused - Harsh Kumar @ Teenu and CRM-M-34046 of 2017 filed by petitioner - accused - Surjit Kumar @

Baba for grant of regular bail in case FIR No.45 dated 16.2.2017, under Sections 395/392/148/149 IPC, registered with Police Station Sadar, District Amritsar City.

Briefly stated, facts of the case as per prosecution version are that FIR was recorded on the basis of statement of complainant Mohan Kumar son of Shri Narain Yadav, resident of Dutta Enclave near Kali Mata Temple, Majitha Road, Amritsar, aged about 40 years, who in his statement made to the police on 16.2.2017 stated that he is a construction contractor and had undertaken the construction of building of Shri Rakesh Bir at White enclave Colony near Majitha Road, bye-pass; that on 15.2.2017 for putting lintel, they had brought 72 shuttering plates from M/s Jhandu Building Material, Majitha Road and after finishing day's work, he returned home in the evening; that his watchman and a few labourers remained there; that on the next day in the morning, when he reached the construction site, then watchman informed him that at 2:00 a.m., four unidentified persons had come there having *lathies* in their hands; that they detained him and Ranjit Kumar in a room; that their four more companions also reached there in a pickup van and by detaining them, they took away all the 72 lintel plates lying outside the house in the pickup vehicle besides removing submersible pump fixed there; that they also loaded in the pickup four plastic chairs, 10 buckets and four spades and snatched mobile phone of Ranjit Singh, Rs.1,500/- in cash, mobile phone of Suman Kumar and cash amount of Rs.2,150/- etc. After registration of the formal FIR, the case was investigated. Accused Harsh Kumar @ Teenu was arrested in this case on 14.4.2017 and recovery was

effected from him, whereas accused Surjit Kumar @ Baba was arrested on 14.3.2017 and both of them are in custody.

Both the petitioners had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there, as such, they have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Learned counsel for the petitioners have stated that petitioners are not named in the FIR; that they are no more required by the police for further investigation as challan against them has been filed; that conclusion of the trial is likely to take some time, therefore, they be granted concession of regular bail. It is further stated that in the connected matter, both the petitioners have been granted bail by Co-ordinate Bench of this Court.

Whereas, learned State counsel is opposing the request vehemently contending that petitioners are habitual offenders and if they are released on bail, there is every chance of their indulging in criminal acts, disturbing the peace and tranquility in the society.

After hearing the rival contentions, I find that as far as petitioner Harsh Kumar @ Teenu is concerned, according to the custody certificate placed on file by the State counsel, he is involved in four other criminal cases i.e. FIR No.49/17, under Sections 342,380, 457, 411 IPC and 25 of Arms Act, Police Station S-Wind, FIR No.65/17, under Sections

380/457 IPC, P.S. Sadar, Amritsar, FIR No.172/16, under Sections 392/506 IPC, P.S. Sadar, Amritsar and FIR No.68/17, under Sections 457, 380 IPC, P.S. Sadar, Amritsar and regarding accused Surjit Kumar @ Baba, he is also involved in five other criminal cases i.e. FIR No.49/17, under Sections 457, 380, 411, 342 IPC, 25 of Arms Act, P.S. S.Wind, FIR No.65/17, under Section 457/380 IPC, PS Sadar, Amritsar, FIR No.172/16, Under Sections 392/506 IPC, P.S. Sadar, Amritsar, FIR No.20/16, under Section 379 IPC, P.S. Chatiwind and FIR No.76/17, under Sections 380 IPC, P.S. A Division, Amritsar, that means they have got criminal past and are hardened criminals. The apprehension expressed by learned State counsel that in case they are granted bail, they would take path of crime again and tried to tamper with the prosecution evidence and even abscond cannot be brushed aside lightly.

Therefore, finding no merit in the petitions, the same stand dismissed.

However, while parting with the discussion, the trial Court is directed to conclude the trial expeditiously by giving short adjournments.

15.11.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No