

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.106

CRM-M No.434 of 2017
Date of decision: 12.01.2017

Jatinder Singh @ Jindi

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. D.R. Punia, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short the 'Code') seeking interim bail in FIR No.2 dated 01.01.2016, registered under Sections 419, 420, 467, 468, 471 IPC, at Police Station City Kharar, District SAS Nagar (Mohali) on the ground that petitioner wishes to contest the Assembly Elections in Punjab.

The record reveals that on 01.09.2015 while one Sub-Inspector Harbhajan Singh alongwith another police personnel was on patrol duty, he received information that the petitioner alongwith others was planning a big dacoity and for the same had collected alongwith others in the parking of a Restaurant. Finding the information to be reliable, for the reason that there were already many such cases pending against the petitioner, the police party conducted a raid at the parking of the Restaurant where the petitioner was reported to be but he was not found there. Subsequently, raids were conducted at other places which led to the arrest of the petitioner. On the

basis of his disclosure statement, large quantity of ammunition and documents of stolen items were recovered including one, a 30 bore pistol alongwith 28 live catridges.

The above resulted in the registering of against the petitioner FIR No.119 dated 01.09.2015, under Sections 399, 402 IPC and Sections 25/54/59 of the Arms Act, at Police Station City Kharar, District SAS Nagar (Mohali).

During investigation of the above-referred FIR, a fake driving licence was recovered from the petitioner. A passport of one Gagan Singh son of Dalbir Singh which had been prepared by the co-accused on the basis of fake ID was also recovered from co-accused Gurjant Singh @ Bholu and Sandeep Singh. This led to lodging of the present FIR.

The petitioner is in judicial custody in both the above-referred FIRs i.e. FIR No.119 dated 01.09.2015, under Sections 399, 402 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Kharar, District SAS Nagar (Mohali) and FIR No.2 dated 01.01.2016, under Sections 419, 420, 467, 468, 471 IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali).

The petitioner had applied for bail through an application filed before the Additional Sessions Judge, SAS Nagar (Mohali), which was rejected and the primary basis for such rejection was because the petitioner was found involved in the following other criminal cases :-

1. FIR No.117 of 14.06.2011, u/ss 326, 323, 506, 324, 452, 148, 149 IPC at P.S. Basti Jodhewal, Ludhiana.
2. FIR No.427 of 27.09.2002, u/ss 324, 323, 506, 34 IPC at P.S. Basti Jodhewal Ludhiana.
3. FIR No.278 of 23.05.2003, u/ss 379, 341, 323, 506 IPC

- at P.S. Basti Jodhewal Ludhiana.
4. FIR No.353 of 15.07.2003, u/ss 365, 323, 324, 506, 148, 149 IPC at P.S. Basti Jodhewal Ludhiana.
 5. FIR No.21 of 18.1.2008, u/ss 326, 323, 506, 148, 149 IPC at P.S. Basti Jodhewal Ludhiana.
 6. FIR No.205 of 26.8.2010, u/ss 302, 451, 148, 149 IPC at P.S. Basti Jodhewal Ludhiana.
 7. FIR No.208 of 24.11.2009, u/s 25 Arms Act, at P.S. Phillaur, District Jalandhar.
 8. FIR No.6 of 17.01.2015, u/s 307 IPC and Section 25 of Arms Act, at P.S. Khalra (Amritsar).
 9. FIR No.159 of 18.12.2015, u/ss 382, 34 IPC at P.S. Jamalpur, Ludhiana.
 10. FIR No.163 of 24.07.2013, u/ss 307, 411, 414 IPC and Section 25 of Arms Act and Sections 21 and 22 of NDPS Act at P.S. Beas (Amritsar).

The referred 10 criminal cases against the petitioner are in addition to the two cases referred to earlier being FIR No.119 dated 01.09.2015, under Sections 399, 402 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Kharar, District SAS Nagar (Mohali) and FIR No.2 dated 01.01.2016, under Sections 419, 420, 467, 468, 471 IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali).

A perusal of the above list shows the petitioner to be a habitual criminal involved in serious and heinous crimes including murder, dacoity, crimes under the Arms Act and NDPS Act etc. Such actions on his part are consistent. As noticed earlier, the above list of criminal cases against the petitioner is referred to by the Additional Sessions Judge, SAS Nagar (Mohali) to reject the application of bail filed by the petitioner. Neither in the main petition seeking bail nor in the present application seeking interim bail, the factum of pendency of the above referred 12 cases is denied by the

petitioner.

Several of the offences in the list of criminal cases referred above have allegedly committed by the petitioner while on bail in one or the other criminal case. He has, thus, misused the concession of bail on more than one occasion.

As recently on November 21, 2016, the petitioner's plea for grant of regular bail was dismissed as withdrawn.

In view of the above, in my opinion, the present case is not fit case for the grant of interim bail to the petitioner.

Dismissed.

(DEEPAK SIBAL)
JUDGE

January 12, 2017
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No