

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 13635 of 2018 (O&M)

Date of decision : 16.5.2018

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Surjit Kumar @ Baba

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Surjit Kumar @ Baba, an accused in FIR No. 45 dated 16.2.2017 for offences under Sections 392, 148, 149 IPC (offence under Section 395 IPC added later on), registered at Police Station Sadar, District Amritsar.

Briefly stated, facts of the case as per the prosecution story are that on 16.2.2017 at about 2 A.M. in the early morning hours, four unknown persons armed with wooden rods went to the house under construction at White Enclave Colony, Majitha Road Bypass, Amritsar and forcibly took away 72 steel shuttering plates, a

submersible pump, four plastic chairs, ten buckets, four excavators and mobile phones of Ranjit Kumar as well as Suman Kumar, Rs.1500/- in cash from Ranjit Kumar, Rs.2150/- from Suman Kumar, Rs.1800/- from Gullu Kumar and 72 plates in total, after illegally confining Ranjit Kumar, Suman Kumar and Gullu in a room. Formal FIR on the basis of statement of Contractor Mohan Kumar was recorded. The accused was arrested in another criminal case, where he suffered a disclosure statement having participated in the incident. He was arrested in this case on 14.4.2017. Now he is facing trial in the Court.

The petitioner had moved an application for grant of regular bail, which was dismissed by the trial Court vide order dated 5.5.2017. Therefore, he has approached this Court for grant of similar relief, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record of the case.

Though the petitioner is not named in the FIR but as per the disclosure statement made by him in another criminal case, he had taken part in the present incident. A perusal of the custody certificate placed on the record by the State counsel goes to show that he is involved in five other cases of similar nature. Though according to the learned counsel for the petitioner, he has been granted bail in some of the cases and during the trial the material prosecution witnesses have not supported the prosecution story, but I find that the very fact that five more FIRs have been registered against the petitioner for similar type of offences, goes to show that he has got a

criminal record and he is a habitual offender. The trial against him is going on. As submitted by learned State counsel, out of 15 PWs only 4 PWs have been examined so far. Even if it is taken that some of the material prosecution witnesses have not supported the prosecution story, but that does not mean that the trial is going to result in acquittal against the accused, since it is only after the prosecution concludes its evidence, statement of accused is recorded and defence evidence led, that the trial Court would come to the conclusion whether charge against the accused stands proved or not. This Court is not to hold a mini trial at this stage to find out as to whether any case for grant of regular bail to the petitioner is made out or not.

Keeping in view the facts and circumstances of the case and likelihood of the petitioner take to the path of crime again, absconding and trying to tamper with the prosecution evidence, if granted bail, no case for grant of regular bail to the petitioner is made out.

Finding no merit in the petition, the same stands dismissed.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No