

202-A

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

**CRM-M No.18680 of 2017
Date of Decision: 24.01.2018**

Avarjeet Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.N. Malik, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.47 dated 19.08.2015, registered under Sections 307, 34 IPC (Sections 353, 186, 323, 325 IPC added later on) and Sections 25, 54, 59 of the Arms Act at Police Station Sandaur, District Sangrur.

Brief facts are that the FIR was registered with the allegations that on 18.08.2015, the complainant was present along with the police party at bus stop, Faridpur. At about 9.00 p.m. a car make Ford Figo came from the side of Malerkotla. The car was made to stop by showing signal with a torch. Four

persons were sitting in the car. The car after crossing the police party suddenly stopped and persons namely Abdul Rashid @ Ghudu, Feroz, Mohd. Irfan and the petitioner Avarjeet Singh were found present armed with deadly weapons. Abdul Rashid @ Ghudu was armed with .32 bore pistol. Feroz was armed with .12 bore gun. Mohd. Irfan and the petitioner-Avarjeet Singh were found armed with pistols. Abdul Rashid @ Ghudu and Feroz started firing with their respective weapons on the police party. One shot hit and crossed while touching left elbow of the complainant. Police party also fired shots in defence. All the four accused persons fled away from the spot. Injured was hospitalized.

As per reply filed by way of affidavit of Deputy Superintendent of Police, Sub Division, Malerkotla, the petitioner has antecedent behaviour being involved in 21 criminal cases. In some of the cases, the petitioner has been acquitted and in some of the cases he has been convicted.

Learned counsel for the petitioner submitted that out of four accused involved in the present case, co-accused Mohd. Irfan has been granted regular bail and co-accused Feroz was found to be innocent and was summoned with the aid of Section 319 Cr.P.C. Thereafter Feroz was granted anticipatory bail by the Court. The case of the petitioner is at par with co-accused,

Mohd. Irfan, who is on regular bail.

On the other hand, learned State counsel submitted that keeping in view the criminal background of the petitioner, he does not deserve any concession of regular bail. As per custody certificate, petitioner is involved in number of criminal cases including heinous offences of NDPS cases. No parity with that of co-accused Mohd. Irfan can be availed by the petitioner.

Learned counsel further submitted that in FIR No.126 dated 27.07.2012 registered under Sections 323, 324, 307, 302, 148, 149 IPC at P.S. Beas, the petitioner is under trial. In another case bearing FIR No.143 dated 05.08.2012 registered under Sections 307/324/323/506/148/149/120-B IPC and Sections 25/54/59 of the Arms Act at Police Station Jhabal, petitioner was declared as a proclaimed offender. Similarly in FIR No.54 dated 20.02.2013 for the offence under Section 307 IPC and other allied offences including Arms Act registered at Police Station Beas, petitioner is under trial. Same is the position in FIR No.104 dated 13.06.2012 registered under Sections 307/148/149 IPC at Police Station Beas and in FIR No.76 dated 19.08.2015 registered under Section 307 IPC at Police Station Sandaur. Besides the aforesaid cases under Section 307 IPC, the petitioner is also involved in other offences.

By relying upon the details of pending and decided cases against the petitioner, learned State counsel submitted that concession of regular bail may result in giving birth to one more case by the petitioner.

Taking into consideration the totality of facts and circumstances, I do not inclined to grant concession of regular bail to the petitioner. The petition is accordingly dismissed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 24, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No