

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

**Criminal Misc. No. M-39074 of 2017
Date of decision: 27.07.2018**

Mandeep Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Balram Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab
for the respondent-State.

Mr. Deepak Gupta, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.19 dated 06.02.2013 registered under Sections 420, 467, 468, 471 read with Section 120-B of Indian Penal Code at Police Station City, Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he has no concern with the commission of alleged offence. No direct or indirect allegation has been levelled against him. The case is based upon documentary evidence, which has already been taken into possession by the Investigating Officer. Nothing is to be recovered from the petitioner and he is not required for any interrogation or investigation. The petitioner is in custody since 12.02.2013

and no purpose would be served by keeping him in custody.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and submits that as per allegations levelled, both the accused including petitioner hatched a criminal conspiracy and forged/fabricated a false thekanama of Manmohar Kaur after her murder and it was misused as mentioned in the bail application moved by the petitioner before the lower Court. Learned State counsel further submits that the petitioner is also facing trial in that murder case. The petitioner is also involved in a number of cases as he has been convicted and sentenced to life imprisonment in case FIR No.16 dated 01.02.2006 registered under Sections 302 read with Sections 34 and 120-B IPC at Police Station City, Sri Muktsar Sahib. The petitioner is also facing trial in case FIR No.134 dated 22.06.2012 registered under Sections 380, 420, 403, 467, 424, 302, 303, 201, 212, 216, 174-A read with Section 120-B IPC at Police Station City Sri Muktsar Sahib, FIR No.40 dated 17.03.2013 registered under Sections 419, 465, 467, 468, 471, 420, 66, 66-C, 66-D read with Section 120-B IPC at Police Station City Sri Muktsar Sahib, FIR No.243 dated 17.12.2012 registered under Sections 467, 468, 471, 420 read with Section 120-B IPC at Police Station Sector-3, Chandigarh, FIR No.279 dated 25.11.2012 registered under Sections 467, 468, 471, 420 IPC at Police Station Baddi, Solan, HP. The petitioner has also been convicted in FIR No.130, dated 05.10.2012 registered under Sections 186, 332, 353 IPC at Police Station Sadar, Ludhiana and sentenced to one year imprisonment. Learned State counsel also submits that the custody period shown by learned counsel for the petitioner is not in the present case whereas custody

in the present case has not yet started as the petitioner is undergoing sentence in case where life imprisonment was awarded and after that, custody in the present case will start thereafter.

By seeing the past conduct of the petitioner, it appears that the petitioner is habitual offender as not only he has been convicted but he is facing trial in a number of cases.

While dealing with the application for grant of bail, the Court has to consider the nature of offence, severity of punishment in cases of conviction and also the apprehension of tampering with the witnesses or that he may not give threat to the complainant. No ground is made out to grant regular bail to the petitioner.

Dismissed.

However, the petitioner is at liberty to move fresh application for bail, in case he is released on bail after suspension of sentence in the case where life imprisonment has been awarded.

27.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No