

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 44128 of 2017 (O&M)

Date of decision : 1.5.2018

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Balbir Singh @ Kala @ Vicky

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Balbir Singh @ Kala @ Vicky, an accused in FIR No. 198 dated 20.9.2002, for offences under Sections 420, 489-A, 489-B, 489-C, 379, 171, 148, 149 IPC and 25 of Arms Act, registered at Police Station C Division, District Amritsar City.

Briefly stated, facts of the case, as per prosecution story are that on 19.9.2002 at 9.05 P.M. Baldev Singh Inspector/SHO, Police Station C-Division, Amritsar, received a secret information that accused Ravi Oberoi has changed his name of Kapoor and he has

been cheating the public at large by alluring people to make investment with him promising large return. He and his accomplices used to commit theft of vehicles at gun point and used mobile phone for commission of offences. Formal FIR was registered and the matter was investigated. A raid was conducted, recoveries were effected, including recovery of a toy pistol from the petitioner. Accused were sent up to face trial. The petitioner was declared proclaimed offender in the year 2006. He appeared in the Court on 21.8.2017 and since then he is in custody.

The petitioner had moved an application for grant of regular bail in the Court of Sessions, but the same was dismissed by the Additional Sessions Judge, Amritsar, vide order dated 11.10.2017, as such he has approached this Court for grant of similar relief, which request is being opposed by the State counsel.

Learned counsel for the petitioner has contended that co-accused of the petitioner have been acquitted and he is behind the bars for the last more than eight months. As such he be also granted the concession of regular bail.

However, the State counsel has contended that custody of the petitioner could be obtained after about 11 years on being declared as proclaimed offender and he is involved in five other criminal cases, details of which are as under:-

1. FIR No. 146 dated 8.11.2016 u/s 420, 406, 120-B, 379-B-2 IPC, registered at Police Station Sadar, Kapurthala.
2. FIR No. 119 dated 27.4.2017 u/s 379-B, 34 IPC, registered at Police Station City, Kapurthala.

3. FIR No. 76/2014 u/s 452, 364, 506, 148, 149 IPC, registered at Police Station Islamabad, Amritsar.
4. FIR No. 148/2010 u/s 420, 171, 506 IPC, registered at Police Station Civil Lines, Amritsar.
5. FIR No. 47/2014 u/s 323/341 IPC, registered at Police Station Division A, Amritsar.

The details of above mentioned cases goes to show that the petitioner is a habitual criminal and there is every likelihood of his absconding and trying to tamper with the prosecution evidence, if released on bail.

After hearing the rival contentions and going through the record, I find that keeping in view the past conduct of the petitioner, the apprehension expressed by the learned State counsel cannot be brushed aside lightly. There is every possibility of his absconding and trying to tamper with the prosecution evidence and return to the path of crime again, if granted bail. Merely because of the reason that his co-accused had been acquitted, does not result in grant of any benefit to him with regard to bail in this case.

Therefore, I do not find any merit in the petition for regular bail. The same is dismissed.

1.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No