

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

CRM-M-7620-2020

Decided on: 27.02.2020

Vinay Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Hira, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J (ORAL)

Present third petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.236 dated 10.12.2018, under Sections 379-B and 411 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Garhshankar, District Hoshiarpur.

Brief facts of the case are that on 10.12.2018, the petitioner alongwith his co-accused is alleged to have snatched kit bag from the complainant containing different parcels of Courier Company under the threat of datar and pistol and same were subsequently allegedly recovered from the accused-petitioner. Hence, the present FIR.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 10.12.2018 and the present case is totally false, rather a planted one by the police. Also contends that similar type of cases have already been registered against the petitioner and thus he is unnecessarily being harassed. It is also the contention that there is no injury suffered by the complainant.

On the other hand, Learned State counsel has opposed the bail and submitted that the petitioner has been duly identified by the complainant and some of the parcels of the company, to whom the complainant belongs as a delivery boy, were also recovered.

Heard both sides and perused the paper-book.

No doubt that the petitioner is in custody since 10.12.2018, but the fact remains that he is facing 5 other criminal cases of similar nature and despite the fact that he is on bail in all those 5 cases, he has indulged himself in present case also.

No doubt, the arguments of the learned counsel for the petitioner that it is a planted case, but at this stage, for the purpose of deciding the bail matters, the identification of the petitioner coupled with the recovery as well as his previous credentials are sufficient to deny the concession of bail pending trial. Consequently, this Court has no option except to dismiss the petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

27.02.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No