

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

Date of decision: 10.9.2020

(1) CRM-M-22821-2020

Suraj

.....Petitioner.

vs.

Union Territory, Chandigarh

.....Respondent.

(2) CRM-M-10894-2020

Robin @ Bhura

.....Petitioner

vs.

Union Territory, Chandigarh

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Vivek Kathuria, Advocate, for the petitioners
in both petitions.

Mr. Sukant Gupta, Additional Public Prosecutor,
U.T., Chandigarh, in CRM-M-22821-2020.

Mr. Manish Jain, Additional Public Prosecutor,
U.T., Chandigarh, in CRM-M-10894-2020.

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Sanjay Kumar, J. (ORAL)

The petitioners in these two cases figure amongst the accused in FIR No. 0109 dated 04.5.2019 on the file of Police Station Sector 26, Chandigarh, registered under Sections 341, 392 and 34 IPC. By way of these petitions filed under Section 439 Cr.P.C., they seek grant of regular bail.

It appears that the police completed investigation in this case leading to filing of a challan before the competent Court. Charges are stated to have been framed against the petitioners under Sections 394, 411 and 34 IPC.

The case of the prosecution is that the complainant, Arjun Kumar, a vegetable hawker, was robbed of his mobile phone at about 3.30 a.m. on 4.5.2019. He was also physically assaulted and ₹ 6020/- was snatched from his pocket. The two petitioners were allegedly amongst the four persons who committed this offence.

As already stated earlier, they have already been charged and are presently facing trial. There is no possibility of an expeditious trial being conducted at this stage owing to the prevailing situation caused by the COVID-19 pandemic. However, that by itself is not a ground to extend any indulgence to the petitioners. Their present and past antecedents would have to be looked into to examine as to whether they would be entitled to seek release on bail pending the delayed trial.

It appears that Robin @ Bhura, the petitioner in CRM-M-10894-2020, is facing criminal proceedings in relation to FIR No. 63 dated 04.05.2019 on the file of Police Station Sector 19, Chandigarh, registered under Sections 394 and 411 IPC. Significantly, this is the same day on which the subject offence was allegedly committed. He secured regular bail in that case, but perusal of the order dated 27.7.2020 passed by this Court granting him that relief reflects that the complainant in that case was not able to identify his assailants due to darkness. That is not the

situation in the case on hand as the complainant, Arjun Kumar, identified the accused and that apart, the complainant's mobile phone was recovered from the possession of the accused.

As regards Suraj, the petitioner in CRM-M-22821-2020, apart from being implicated in FIR No. 63 dated 4.5.2019 on the file of Police Station Sector 19, Chandigarh, he is also facing criminal proceedings in relation to the following FIRs:

- '1. FIR No. 291 dated 14.7.2017 on the file of Police Station Sector 39, Chandigarh, registered under Sections 411 IPC;*
- 2. FIR No. 502 dated 30.11.2017 on the file of Police Station Sector 39, Chandigarh, registered under Sections 356 and 379 IPC;*
- 3. FIR No. 13 dated 23.1.2018 on the file of Police Station Sector 39, Chandigarh, registered under Sections 356 and 379 IPC.*
- 4. FIR No. 197 dated 31.7.2018 on the file of Police Station Sarangpur, Chandigarh, registered under Sections 379 and 411 IPC.'*

That apart, he was also implicated in two other cases under Section 379 IPC but was acquitted in both. In the light of the aforesaid circumstances, Suraj, the petitioner in CRM-M-22821-2020, is therefore seen to be a habitual offender.

Offences of this nature, though not heinous, pose a menace to society and maintenance of law and order. They need to be curbed with an iron hand. It is clear and manifest that extending indulgence to Suraj, the petitioner in CRM-M-22821-2020, has not served any useful purpose

as he seems to have merely misused the bail granted to him in relation to earlier offences and continued with his chosen criminal activities.

Robin @ Bhura, the petitioner in CRM-M-10894-2020, seems to have been newly initiated into this activity and this is the second offence that he is implicated in.

Given their past antecedents, allowing the petitioners to be let loose on society would only be an invitation for further commission of similar crimes. This Court therefore sees no grounds to grant them bail pending the trial of the case.

Both the petitions are accordingly dismissed.

(SANJAY KUMAR)
JUDGE

10.9.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no