

112 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24673 of 2020
Date of decision : 27.08.2020

Kulwinder Singh @ Kinda

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Ashish Gupta, Advocate for the petitioner

Mr. Hitten Nehra, Addl. AG, Punjab

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks anticipatory bail in FIR No.58 dated 8.6.2020 under Sections 399, 402 IPC and Sections 25 & 27 of the Arms Act, 1959 registered at Police Station Kot Ise Khan, District Moga.

The case of the petitioner's counsel is that 8 persons were named in the secret information received and that the petitioner was not arrested on the spot since only five persons were arrested.

It is submitted that the police has wrongly lodged another FIR No.61 dated 4.6.2020 under Section 395 IPC and Section 25 of the Arms Act, 1959 four days earlier at the Police Station Sadar, Faridkot which is pertaining to the bank dacoity of Rs.3,50,000/-. It is further submitted that in such circumstances the petitioner is entitled to the anticipatory bail.

Mr. Hitten Nehra, Addl. Advocate General, Punjab has joined the proceedings and has submitted that the petitioner as such is a habitual offender and there are as many as 6 more cases registered against him. The

details of the said cases are as under:-

- “1) FIR No.2 dated 5.1.2018 under Section 379 B/323/506/148/149 IPC, Police Station Kot Ise Khan.
- 2) FIR No.314 dated 11.11.2014 under Section 420/120 B Police Station Dharam Kot.
- 3) FIR No.87 dated 26.8.2009 under Section 25/27 of the Arms Act, Police Station Badhni Kalan.
- 4) FIR No.135 dated 11.7.2017 under Section 61 of Excise Act, Police Station Kot Ise Khan.
- 5) FIR No.234 dated 16.8.2014 under Section 379 IPC, Police Station Kot Ise Khan.
- 6) FIR No.144 dated 29.5.2014 under Section 324/323/34 IPC, Police Station Kot Ise Khan.”

A perusal of the said list would go on to show that the petitioner seems to be habitual offender since there are six more cases of similar nature i.e. theft, cheating and Arms Act etc. against him prior to the FIR in question.

In such circumstances, the antecedents of the petitioner are doubtful as such and therefore, it is a matter of investigation as to whether the petitioner has been involved in the present case. It is not a case where the benefit of anticipatory bail is to be granted. Even in the body of the petition, reference is only made to the FIR No.61 dated 4.6.2020 and specific averment has been made that petitioner has no other case against him. Thus, on this account also petitioner has given an affidavit which is against the record and as such he does not deserve the benefit of anticipatory bail.

Accordingly, the present petition is dismissed.

Needless to say that any observations made herein are only for the purpose of deciding the bail application as such.

27.08.2020
Pka

(G.S. Sandhawalia)
Judge