

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-24751-2020 (O&M)

Date of decision : 09.10.2020

Bobby Malhotra @ Sagar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Thakur, Advocate, for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.12 dated 05.02.2016 registered under Sections 307, 224, 225, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sadar Nawanshahr, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he is not named in the FIR; he was arrested on 27.07.2017 and has therefore suffered long incarceration; co-accused namely Manpreet Singh @ Mani, Gurpreet Singh @ Laddi and Jagdeep Singh @ Judge have already been granted bail by this Court and that no identification parade was conducted to identify the petitioner.

Learned State counsel while opposing the grant of bail to the petitioner submits that during transfer of an under-trial namely Akul Kumar from the Sessions Court to the jail the petitioner, alongwith others, fired at the police party and injured HC Chamkaur Singh. Thereafter, he facilitated

the aforesaid under-trial to escape. He further submits that the petitioner is a habitual offender as he has 33 other criminal cases pending against him and that during the course of investigation he was duly identified by HC Chamkaur Singh.

The allegations against the petitioner are that when a police party was taking under-trial Akul Kumar from the Sessions Court to the jail the petitioner fired at the police party and injured HC Chamkaur Singh facilitating the escape of the aforesaid under-trial from police custody. He is also admittedly involved in 33 other criminal cases which include several cases of murder, attempt to murder, under the NDPS Act and the Arms Act etc. and misusing the concession of bail granted to the petitioner in those cases he is alleged to have committed the offence which is the subject matter of the present case.

In view of the above, this Court is of the opinion that the petitioner does not deserve to be granted the concession of regular bail.

Dismissed.

09.10.2020
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No