

207

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

CRM-M-28942-2020 (O&M)

Date of Decision: 05.10.2020

Balraj Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. M. K. Singla, Advocate, for the petitioner.

Mr. Anmol Malik, Sr. DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-24361-2020

Applicant-petitioner is permitted to place on record the amended petition in terms of order dated 24.09.2020.

Application stands disposed off.

Main Case

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, in case FIR No. 75 dated 29.06.2020, under Sections 324, 323, 379-B, 148 and 149 of the IPC, registered at Police Station Jaitu, District Faridkot.

[2]. Learned counsel for the petitioner submits that his client has been falsely implicated in the case, as there is admittedly a background of old enmity between the parties, which has been specifically mentioned in the FIR itself.

[3]. Learned State Counsel states nevertheless opposes the bail application by contending that the petitioner is a habitual offender,

inasmuch as, he has already been convicted earlier in case arising out of FIR

No.103 dated 18.09.2015 of Police Station Jaito, under Section 307, 323, 325, 148 and 149 of the IPC, and is also involved in FIR No.49 dated 02.07.2019 under Sections 21 and 22 of the NDPS Act Police Station Baja Khana and FIR No.50 dated 02.05.2018 of Police Station Baja Khana under Section 307 and 34 of the IPC and Section 25/27 of Arms Act. However, it transpires from the Custody Certificate that in two of all other 03 cases, the petitioner is currently on bail, and in 3rd one in which he was convicted, bail was granted to him by this Court on 19.03.2020 in CRA No.3551-SB-2018.

[4]. In the present case, the only non-bailable offence happens to be the one under Section 379-B of the IPC. But the allegations in the FIR are that an amount of Rs.3,000/- was snatched away from the pocket of the complainant by the accused persons named by him, which included 7 other culprits apart from the present petitioner and it was not alleged that the petitioner alone was the one who robbed the complainant of this amount.

[5]. Considering these facts as also the long detention undergone by the petitioner since 13.07.2020, this Court is of the opinion that his further detention for indefinite period at this stage is not called for.

[6]. In such circumstances and considering the long detention undergone by the petitioner, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[7]. Disposed off.

05.10.2020

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No