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

CRM-M-46432-2019 (O&M)

Date of decision :03.09.2020

Jagmeet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr.TarunVir Singh Lehal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the petitioner in FIR No.140 dated 12.12.2018 under Sections 34 and 392 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Tarsikka, District Amritsar (Punjab).

Learned counsel for the petitioner has contended that the petitioner was not named in the FIR and he has falsely been implicated when he was arrested in FIR No.13 dated 12.03.2019. He has further contended that it is a case of Magisterial trial, which has been going on for over a year and, therefore, in view of Section 437 of the Code of Criminal Procedure the petitioner would be entitled to the concession of bail.

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Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, has put in appearance on behalf of the respondent-State and on instructions from SI Manjeet Singh has stated that the petitioner in the present case is involved in 10 other FIRs besides the present one. He has further stated that 8 of those FIRs are of similar nature i.e. regarding robbery, one is under Narcotic Drugs and Psychotropic Substances Act, 1985 and one is under Sections 186, 353 and 506 of the Indian Penal Code. It has further been contended by learned counsel for the State that the petitioner is a part of the gang called “*Shubam Gang*” who are operating and indulging in looting and, hence, this is not a fit case for grant of bail to the petitioner.

I have heard learned counsel for the parties.

In the present case, the petitioner though not named in the FIR was nominated by the co-accused in his disclosure statement. On the basis of the disclosure statement, an amount of ₹2,06,000/- was recovered from the petitioner. Further, besides the present case, there are 8 other cases of robbery pending against the petitioner. Though the contention of learned counsel for the petitioner is that he has falsely been implicated in all these cases, however, this stand *prima facie* seems to be unbelievable inasmuch as in all other cases the petitioner has also been booked for robbery. The petitioner *prima facie* seems to be a habitual offender. Further, the fact remains that an amount of ₹2,06,000/- has been recovered from the petitioner on the basis of the disclosure statement of

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the co-accused. Learned counsel for the petitioner has also not been able to point out any reason as to why the petitioner would falsely be implicated in 11 cases including the present one.

In view of the above, I do not deem this to be a fit case for grant of bail to the petitioner and the present petition is, accordingly, dismissed.

03.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO