

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

203

CRM-M-5375-2021

Date of decision: 10.02.2021

KARAN KUMAR @ KANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Ms. GK Mann, Advocate for the petitioner.
Mr. B. Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (Oral)

This is second petition for grant of bail pending trial in a criminal case arising from FIR No.396 dated 04.11.2015 under Sections 307, 382, 323, 148, 149 and 120-B IPC and Sections 25 and 27 of Arms Act, registered at Police Station A Division, District Amritsar City.

The first petition filed was dismissed on 01.10.2020 with the following order:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.396, dated 04.11.2015, registered under Section 307/382/148/149/120-B IPC and Section 25/27 of the Arms Act, 1959, at Police Station A Division, Amritsar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Amritsar, in paragraph 5 of its order dated 26.08.2020, which is extracted as under:-

“5. As per police file, the applicant was arrested in this case on 5.11.2019 after taking the permission from the Court and since then he is in custody. The counsel for the applicant has submitted that he is not named in the FIR and he has not done any overt act in the alleged crime. Perusal of the file shows that FIR in this case was registered on the basis of statement of one Naresh Kumar that on 4.11.2015

he was present in New Preet Nagar at 7.30 p.m alongwith his friends Deepak, Bhupinder Singh and Babbu. Then one clean shaven man armed with pistol, entered into his haveli. He hit his UID no.PB0148. 3 friend Deepak with the butt of pistol, due to which he got injury. Meantime complainant grappled with the person with pistol. That person threatened that he will shot if he does not leave him, but he continued to catch him. Thereafter in order to kill him, he fired at him, hitting him on the left thigh. Thereafter he telephoned and called his 4/5 friends, who also came there alongwith weapons and fired in the air and they removed Rs.5000/- from his pocket and one mobile. They have also taken the mobile phone of his friend Charanjit Singh and Raju @ Mochi and ran away. During investigation, accused Mania was named, who was arrested in this case. In the investigation, he has made disclosure statement that weapon which was used by him, belongs to his friend Karan Kumar, who is lodged in jail in some murder case. Meaning thereby, apart from the present case, there is another case pending against the accused, for murder. So accused/applicant is habitual offender like his friends Mani alias Prince alias Mania against whom 19 cases as per the list attached with the trial Court file, of dacoity or murder are pending. So such type of persons are danger to the peace in the society, if released on bail. So applicant is not entitled to concession of bail. His bail application is dismissed. Present bail application file UID no.PB0148. 4 be attached with the trial Court, which be put up on the date already fixed.”

Learned counsel for the petitioner contends that the petitioner is in custody for the last one year.

On the other hand, Ms. Samina Dhir, Deputy Advocate General, Punjab, has pointed out that the petitioner is not a person with clean antecedents. In fact, he is a habitual offender. She further states that the following cases are pending against the petitioner:-

FIR No.	Date	Sections	Police Station	District
396	04/11/15	307/382/148/149 IPC & 25/54/59 Arms Act	A Division Amritsar	Amritsar
64	22.05.20 16	30/148/149 IPC, 25/54/59 A.Act	Sadar Hoshiarpur	Hoshiarpur
59	14.07.20 12	307/148/149/326 IPC	Harike	
278	02/11/14	307/427/382/34 IPC, 25/54/59 Arms Act	Sultanwind Amritsar	Amritsar
65	27.05.20 16	21/61/85 NDPS Act	Sadar Hoshiarpur	Hoshiarpur
14	31.01.20 19	52-A Prison Act	Kotwali Kapurthala	Kapurthala
146	2012	382 IPC	City Moga	Moga
18	22.01.20 16	307/302/336/506/32 3/324/148/149 IPC, 25/54/59 A.Act	City Tarn Taran	Tarn Taran
120	2016	174-A IPC	City Tarn Taran	Tarn Taran

Keeping in view the aforesaid facts, this court is not inclined to grant concession of bail to the petitioner.

Dismissed.”

Learned counsel for the petitioner submits that the petitioner is in custody for around 4 years.

Be that as it may, no fresh ground for bail is made out.

Dismissed.

10.02.2021

ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No