

CRM-M-13341-2021

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

CRM-M-13341-2021

Date of decision:09.04.2021

Sandeep @ Tatri

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Maurya, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.49 dated 15.03.2020, registered at Police Station Sadar Tohana, District Fatehabad, under Sections 457 and 380 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the above-noted FIR; that he was not named in the FIR; that he has been indicted in the present case on the disclosure statement of the co-accused; that no recovery was effected from him, and that he has been in custody since 28.01.2021. It is also stated that similarly situated co-accused, Sunil @ Matru, stands enlarged on bail by the learned Additional Sessions Judge, Fatehabad.

While stoutly opposing the aforesaid arguments, learned State counsel submits that the recovery of one laptop was effected from the petitioner and he has as many as 33 other criminal cases against him and, thus, keeping in view his criminal antecedents, he (petitioner) is not

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entitled to the benefit of bail.

I have heard the learned counsel for the parties.

There are allegations against the petitioner that he alongwith co-accused, Sunil @ Matru and Ajay @ Dhama had committed theft of two batteries, one inverter, one laptop, one printer and UPS from the govt. school during the intervening night of 14/15.03.2020. It is noted by the learned Additional Sessions Judge, Fatehabad, in the impugned order that there are as many as 33 other criminal cases against the petitioner under Sections 379, 457, 380, 392, 395, 397, 398, 401 and 420 etc. of IPC and Section 25 of the Arms Act, and out of the said 33 cases, he has already been convicted in eight criminal cases of theft under Sections 379 and 420 IPC. Thus, the petitioner has got criminal antecedents of similar nature of offences which are weighed against him.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the criminal antecedents are also to be weighed. Keeping in view the criminal antecedents of the petitioner, the period of custody of about 2½ months, in my considered opinion, melts into insignificance.

In view of the above discussion and having found *prima facie* case or reasonable ground to believe that the petitioner has complicity with the commission of offence, I am loath to grant bail to the petitioner. For the larger interest of public and society, the present petition for bail being devoid of merit, stands dismissed.

09.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No