

CRM-M-26017-2021

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

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Date of decision:13.07.2021

Lakhvir Singh @ Ladain

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ravinder Singh, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

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.21 dated 31.03.2021, registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar, under Sections 454, 380 and 411 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 31.03.2021, and that co-accused, namely, Ajay Kumar, stands enlarged on bail by the learned Court of Session. It is also contended that the previous convictions of the petitioner have nothing to do with the present FIR and a presumption of innocence is attracted in favour of the petitioner till he is found guilty by the Court of law. Moreover, his convictions in previous cases have not attained finality. On this premise,

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learned counsel prays that the petitioner be released on bail.

Learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, contends that the petitioner is a habitual offender and has been convicted in eight cases of theft and that in case, he is released on bail, he may once again indulge in the same activities.

I have heard the learned counsel for the parties.

There are allegations against the petitioner that he alongwith the co-accused had stolen two pairs of gold ear-rings weighing one *tola*, four pairs of silver anklets and one pair of silver *kangan* weighing about 20 *tolas* and Rs.6,000/- in cash, from the locker of almirah of the complainant. It is noticed by the learned Sessions Judge, in the impugned order that out of 12 cases pending or registered against the petitioner, the offence under Section 380 IPC, *inter alia*, is one of the offences and he has been convicted in eight cases. 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 and the presumption of innocence is attracted in favour of the petitioner till he is found guilty by the Court of law, are relevant factors, 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 aforesaid submissions of the learned counsel for the petitioner, in my considered opinion, melt 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

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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.

13.07.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No