

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

CRM-M-23403-2020 (O&M)

Date of decision: 11.02.2021

Tirlok Singh @ Tirloki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.S. Khosa, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition for regular bail has been filed by petitioner Tirlok Singh @ Tirloki, an accused in FIR No.23 dated 26.02.2016, for an offence under Section 379-B IPC, registered with Police Station Sadar Jalalabad, District Fazilka.

In nutshell, the prosecution story is that, on 02.02.2016, complainant Sandeep Singh son of Inder Singh, aged about 20 years along with his wife Kulwinder Kaur had gone to Jalalabad to take medicine for their child Agam on motorcycle make Discover; at about 2.30 PM when complainant and his wife were returning home on that very motorcycle being driven by complainant, on which his wife was pillion rider and they had taken a turn to Ghubaya from bridge of river Mauje Wala, then two motorcycles came from behind, one make

Discover being driven by a clean shaven young man whereas second motorcycle was of make Pulsar having two clean shaven riders of young age; motorcycle Discover had overtaken the motorcycle of complainant and the person sitting pillion on the motorcycle snatched the ear rings of Kulwinder Kaur and both the motorcycles sped away; after the incident, the complainant made enquiries and came to know about the name of rider of Discover motorcycle as Tirlok Singh @ Tirloki (present petitioner) as well as Paramjit Singh @ Pipal son of Bhagu rider of Pulsar motorcycle; name of pillion rider came to be know as Jaspal Singh @ Pal Singh @ Pali, who had snatched the gold ear rings of Kulwinder Kaur; the culprits had promised to return the gold ear rings of Kulwinder Singh in assembly of panchayat but they did not do so; on matter being reported to the police, it recorded statement of complainant Sandeep Singh, which formed the basis for registration of the formal FIR; the investigation in the case started; petitioner/accused was arrested in this case; after completion of investigation and other formalities, challan against the accused was prepared and filed in the Court and the trial is going on.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Fazilka, which was assigned to Addl. Sessions Judge, Fazilka, who vide order dated 17.01.2020, dismissed the same. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has stated that the petitioner is behind bars for more than one year; the conclusion of trial is likely to take considerable time, therefore, the benefit of bail be granted to the petitioner.

Whereas, this petition is being opposed by the State counsel vehemently.

A perusal of the custody certificate filed by the State counsel goes to show that in addition to the present case, the petitioner is involved in four more criminal cases of almost the same nature with regard to offences of snatching, theft, receiving/retaining stolen property etc. It goes to show that the petitioner is a habitual criminal and there is every possibility of his taking to path of crime again, if he is released on bail. Furthermore, the petitioner/accused had been released on bail in this case but he absented from the Court on 13.04.2018. He could not be arrested despite issuance of warrants of arrest against him repeatedly and publication of proclamation under Section 82 Cr.P.C. As such, he was declared a proclaimed offender on 08.08.2018. He was later on arrested and is in custody. Ld. Addl. Sessions Judge, Fazilka while dismissing the application for grant of regular bail moved by the petitioner had observed that from the conduct of applicant-accused, it is clear that he had already delayed the trial and if he is released on bail, there is every possibility that he may

abscond again and again delay the trial. I do not see any reason to differ with such observations. Considering the conduct of the petitioner in jumping bail during the trial and having remained on run for a long time, ultimately being declared as a proclaimed offender and besides involved in several criminal cases, it is not found proper and appropriate to grant benefit of regular bail to him. The petition lacks merit and is dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

However, since it is stated that out of 14 PWs cited by the prosecution, 05 PWs have been examined so far, the trial Court is directed to conclude the evidence of prosecution by giving short adjournments and then to complete the trial expeditiously preferably within a period of six months from the date of receipt of copy of this order in the said Court.

11.02.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No