

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

(213)

CRM-M-43346-2021.
Date of Decision:-26.10.2021.

Bunti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.60 dated 27.06.2021 under Section 411 of IPC, registered at Police Station Mallanwala, District Ferozepur.

The brief facts of the prosecution case are that on 27.06.2021, ASI Joginder Singh along with police party had barricaded at Sunwa Chowk, Makhu Road, Mallanwala and then two young persons were seen coming on a motor cycle without number from the side of Mallanwala and when they were signaled to stop, they tried to run back on their motor cycle but were apprehended. The driver of the motorcycle disclosed his name as Sagar, whereas, the pillion rider disclosed his name as Bunti, the petitioner and they could not produce any document of ownership of motorcycle and

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admitted that they had stolen the motorcycle upon which the motorcycle was taken into possession. A perusal of the impugned order would show that the present petitioner is involved in 11 other cases other than the present case. The details of the said cases is given hereunder:-

(1) FIR No.245 dated 01.11.2016 under section 379, 411 IPC, P.S. City Ferozepur, (2) FIR No.188 dated 07.07.2018 under Section 22/61/85 of NDPS Act, P.S. City Ferozepur, (3) FIR No.31 dated 15.06.2019 under section 323, 324, 506, 148, 149, IPC and 146 of Railways Act, P.S. GRP Cantt Ferozepur, (4) FIR No.264 dated 21.12.2018 under section 324, 323, 148, 149, 506 IPC, P.S. City Ferozepur, (5) FIR No.38 dated 30.04.2012 under section 25/54/59 Arms Act, P.S. Mallanwala, (6) FIR No.203 dated 13.01.2015 under section 61/1/14 of Excise Act, P.S. City Ferozepur, (7) FIR No.53 dated 05.03.2016 under section 379 IPC, P.S. City Ferozepur, (8) FIR No.31 dated 15.01.2018 under Section 323, 324, IPC, P.S. City Ferozepur, (9) FIR No.54 dated 04.06.2019 under section 457, 380, 411 IPC, P.S. City Rampura, District Bathinda, (10) FIR No.156 dated 09.05.2020 under section 52-A of Prisons Act, P.S. City Ferozepur and (11) FIR No.60 dated 27.06.2021 under section 379, 411 IPC, P.S. Mallanwala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 27.06.2021 and the challan in the present case has been presented on 20.08.2021 and the charges have been framed on 28.09.2021 and none of the prosecution witnesses have been examined and, thus, the trial is likely to take time. It has further been argued that the petitioner was not driving the motorcycle and was only sitting on the back seat. It has also been submitted that in the present case,

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the challan has been presented under Section 411 of IPC only. It is submitted that the motorcycle has already been recovered and nothing more is to be recovered from the petitioner. Learned counsel for the petitioner has further referred to paragraph 7 of his petition, wherein, details have been given with respect to the proceedings in the said 11 cases.

Learned State counsel has vehemently opposed the bail application and has submitted that the petitioner is a habitual offender and has repeatedly committed offences under Section 379 IPC, NDPS Act, Arms Act, Excise Act, and even offences involving theft and causing injury. It is further submitted that the motorcycle in question was also stolen and the same was not bearing any registration number and the petitioner, along with the co-accused, were caught on the spot.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that the petitioner along with the co-accused were caught on the spot with the stolen motorcycle and also the fact that the petitioner is involved in 11 other cases, which include offences under Section 379 IPC, NDPS Act, Arms Act, Excise Act, and also taking into consideration, the custody period of the petitioner, this Court is not inclined to grant regular bail to the petitioner, at this stage.

Accordingly, the present petition is dismissed, at this stage.

(VIKAS BAHL)
JUDGE

October 26, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No