

CRM-M-3951 of 2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3951 of 2022
Date of decision : 10.08.2022

Guni Chand @ Gadhia

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present :- Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Mr. R. S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.44, dated 16.07.2021 under Sections 457 and 380 IPC, registered at Police Station Lakhewali, District Shri Muktsar Sahib.

It is submitted by learned counsel for the petitioner that the petitioner is in custody for about nine months and after the investigation of the case challan was presented before the competent Court and thereafter, five witnesses have already examined. He has submitted that the petitioner was falsely implicated in the present case since he was earlier involved in a number of cases and that was the reason as to why the police has falsely involved the petitioner in the present case although he had no role to play.

He further submitted that no recovery has been effected from the petitioner

in the present case and therefore, may be considered for the grant of regular bail.

On the other hand, learned State counsel while referring to the status report filed by Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib and on instructions from ASI Harjinder Singh, submitted that it is a case where FIR was lodged on the ground that there has been a theft of 21 tolas of gold ornaments and Rs.36,000/- cash amount from the house of the complainant.

It has been stated in the affidavit filed by the State that during the investigation of the case, one Jasvir Singh son of Mukhtiar Singh got recorded his statement with the Police by stating that on the same night i.e. intervening night 15-16.07.2021, the present petitioner committed house trespassing of the complainant's house also and there was a theft of 2 tolas of gold ornaments and Rs.80,000/- cash amount from his house. Thereafter, during investigation the names of two persons i.e. present petitioner and one Dhaminder son of Bhan Chand were nominated in the FIR on the basis of supplementary statement of the complainant Abhjeet Singh. He submitted that the petitioner committed the offence of theft in two houses on the same night and committed theft of gold ornaments and cash.

Learned State counsel further referred to para 6 of the affidavit filed by the Deputy Superintendent of Police and submitted that the petitioner is involved in as many as fourteen more FIRs and details of the same have been given in the para 6 of the affidavit in a tabulated form. While referring to the aforesaid FIRs he submitted that all the cases pertain to similar kind of offences pertaining to theft of gold, silver, cash and also large quantity of paddy and paddy bags as well. Out of the aforesaid FIRs in

which the petitioner is involved he has already been convicted in one FIR No.198 dated 15.11.2002 under Section 302, 148 and 149 IPC lodged at Police Station Narnaul and he was convicted on 13.04.2010. He further submitted that in some of the cases although the petitioner has been acquitted but most of the other cases are either under investigation or the petitioner is under trial. While referring to the aforesaid table he submitted that the different FIRs have been lodged at different Police Stations of different districts of Punjab and Haryana which comprises of the belt from Narnaul to Ferozepur and offences have been committed by the petitioner in the same fashion whereby gold and silver jewellery were stolen. He further submitted that the State has strong apprehension that in case the petitioner is released on bail then he may again repeat the offence.

I have heard learned counsel for the parties.

The petitioner is in custody for last nine months and five witnesses have been examined. Learned State counsel has expressed strong apprehension that in case the petitioner is released on bail then he may repeat the offence and flee from justice. The petitioner is involved in fourteen more cases, out of which in two cases he has been acquitted but he has been convicted in one case under Section 302 IPC and remaining cases of the petitioner is under trial. A perusal of the nature of the offences as tabulated in paragraph 6 of the reply would show that most of the offences pertain to theft of gold, silver, cash and paddy including paddy bags. The apprehension expressed by learned State counsel carries weight and cannot be ignored.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

10.08.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No