

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9412-2022
Reserved on: 21.04.2022
Pronounced on: 11.05.2022

Chajju @ Babu Mian ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Singhal, Advocate,
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
153	20.08.2020	Shahpurkandi, Pathankot	458, 459 and 460 IPC (302, 307, 148, 149 IPC added later on)

1. The petitioner, incarcerated upon his arrest has come up before this Court under Section 439 Cr.P.C, seeking bail.
2. In paragraph 5 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner was arrested as member of a criminal gang that committed dacoity to loot and in the process killed two members of the family and caused serious injuries to others.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. The offence is heinous and the petitioner seeks bail on the grounds that there is no evidence that connects him with the alleged offence. However, the petitioner did not annex the copy of the police report filed under section 173 CrPC. Had the accused

not received the documents in compliance with S. 207 Cr.PC, this Court would have certainly asked the respondent to produce the same. However, the petitioner does not claim the non-receipt of the challan. The accused receives copies of the Police report and the copies of the statements of witnesses free of cost.

7. The allegations in the case are serious and the offence heinous. To decide the bail petition on merits would require this Court to peruse the evidence collected by the prosecution. The petitioner has neither annexed the copy of the police report filed under Section 173(2) Cr.PC, nor does he say that the Trial Court did not supply the same to him under S. 207 Cr.PC. There is no ground pleaded or explanation offered regarding reasons that constrained the petitioner from annexing those while filing the petition. Thus, the Court cannot decide the bail petition.

8. Given above, In the facts and circumstances peculiar to this case, the petition is closed. However, the petitioner shall be at liberty to file a new petition on the same cause of action by annexing a copy of the police report and all necessary documents.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

11.05.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.