

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14150-2022

Date of Decision:19.07.2022

Deepak Khanna @ Tushar Khanna

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.K. Malik, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 46 dated 27.03.2015, under Sections 392, 382, 412, 465, 467, 468, 469, 471, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Urban Estate, District Patiala.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for 1 year and 10 months. He further submitted that the co-accused in the present case have already been acquitted by the learned trial Court and therefore, the petitioner may be considered for the grant of regular bail. He further submitted that the allegation in the FIR was with regard to making a plan only and no offence has been committed by the petitioner.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that although the petitioner has

been faced incarceration for 1 year 10 months but it is a case where the petitioner

had absconded and remained absent from the Court and he was declared as proclaimed offender on 20.09.2016 and he remained as a proclaimed offender for 6 years and on 01.06.2021 he was arrested by the police. He further submitted that the petitioner is involved in as many as 29 cases and most of the cases pertain to theft under Section 379 IPC. He further submitted that considering the conduct of the petitioner whereby he has remained as a proclaimed offender and thereafter he has been arrested by the police, the petitioner does not deserve the concession of regular bail as there is real apprehension with the State that in case he is released on bail, then he may not only abscond but may also repeat the offences considering the antecedents of the petitioner.

I have heard the learned counsel for the parties.

The petitioner remained absent and was declared as proclaimed offender in the year 2016 and he was arrested in the year 2021. He is also involved in 29 more cases. The mere fact that the other co-accused have been acquitted would not vest any right to the petitioner for the grant of bail in view of the aforesaid facts and circumstances. Therefore, considering the conduct of the petitioner as well as the antecedents of the petitioner, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is 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.

19.07.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No