

(219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-21682-2021

Date of Decision: 20.07.2022

ANOOP SINGH

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. V.P. Singh, Advocate  
for the petitioner.

Mr. H.S. Sullar, D.A.G, Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.179 dated 03.11.2019 (Annexure P-1) registered under Section 379-B IPC at Police Station Cantonment, Amritsar.

2. The brief facts of the case are that the complainant B. Krishna Reddy son of B. Hanumanta Reddy got registered the FIR to the effect that he was a Hawaldar in the Indian Army. On 03.11.2019, while he and his wife Laxmi Devi had gone for shopping and were going from Gawal Mandi Chowk towards the recruitment office on Ram Tirath Road, then suddenly from behind one unknown Sikh person riding a motorcycle snatched a necklace of four *tolas* which is wife Laxmi Devi was wearing and fled away. Based on the aforementioned statement, the present FIR came to be registered against unknown persons.

3. Based on secret information, the present petitioner was apprehended and during his interrogation, he disclosed that he was involved in three other FIRs and he had come on bail from Central Jail, Faridkot on 06.11.2018 in FIR No.08 dated 24.06.2018 registered under Section 379-B IPC at Police Station Majitha Road, District Amritsar. The complainant identified the petitioner and the recovery of a motorcycle Passion Pro bearing No.PB02-SC-5664 chassis No.MBLHA10BSF4F0584 and engine No.10EVF4F05369 came to be effected from the petitioner.

4. The learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The identification of the petitioner is doubtful and the petitioner was apprehended after span of 03 days of the alleged incident and no independent witness has been associated with his arrest and recovery. He further submits that upon his arrest his confessional statement was recorded and he has been implicated in three other FIRs. This itself shows that the petitioner has not only been falsely implicated in the present case but all unsolved cases have been foisted upon him. He contends that there are as many as 04 other FIRs pending against the petitioner and he has been convicted in one case. In FIR No.08 dated 24.06.2018 registered under Section 379-B IPC, at Police Station Majitha Road, Amritsar, the petitioner has been granted the concession of regular bail by this Court vide CRM-M-47124-2018, decided on 31.10.2018 and in FIR No.211 dated 07.09.2019 registered under Section 379-B IPC at Police Station Civil Lines, Amritsar City, the petitioner has been granted the concession of regular bail by this Court vide CRM-M-41566-2021, decided on 18.02.2022, whereas in two other cases bearing FIR No.254 dated

15.10.2019 registered under Sections 379-B and 411 IPC at Police Station Civil Lines, Amritsar and FIR No.219 dated 17.09.2019 registered under Section 379-B IPC, at Police Station Civil Lines, Amritsar, the petitioner is still in custody. He also contends that the petitioner stands convicted in FIR No.94 dated 12.04.2015 registered under Section 22 of the NDPS Act for a period of 10 years. It is lastly contended that the petitioner has been in custody since 06.11.2019 and only 08 out of the 14 prosecution witnesses have been examined so far. The complainant who was examined has since been turned hostile. He thus, prays for the grant of regular bail.

5. Keeping in view the fact that the complainant has not supported the prosecution case as also the period of incarceration already undergone by him.

6. The learned State counsel while seeking dismissal of the bail application of the petitioner submits that the petitioner is a habitual offender, he was arrested in the present case on the basis of secret information and was identified by the complainant, pursuant thereto, he admitted his involvement in a number of cases. He however, does not dispute the period of custody, the fact that the petitioner has been granted bail in two cases as also the fact that the complainant has turned hostile in the present case.

7. I have heard the learned counsel for both the parties at length.

8. Admittedly, there are number of cases against the petitioner. However, in two of the said cases, arising out of FIR No.08 dated 24.06.2018 registered under Section 379-B IPC, at Police Station Majitha Road, Amritsar and FIR No.211 dated 07.09.2019 registered under Section 379-B IPC at Police Station Civil Lines, Amritsar City, the petitioner has been granted the

concession of regular bail by this Court. The complainant in the present case already stands examined and has not supported the prosecution case. The petitioner is otherwise in custody for the last more than 2 ½ years and the trial is not likely to be concluded in the near future. Therefore, the further incarceration of the petitioner is not required.

9. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner- is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. The petition stands dispose off.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**20.07.2022**

JITESH

**Whether speaking/reasoned:- Yes/No**  
**Whether reportable:- Yes/No**