

106+217

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

CRM-M-21605-2022 (O&M)

Date of Decision: 20.09.2022

Joga Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Mehak Sawhney, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Sanjiv Kumar Yadav, Advocate,
for the applicant/complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-34486-2022

Allowed as prayed for, subject to all just exceptions.

Annexure A-1 is taken on record.

CRM-M-21605-2022

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.60, dated 09.06.2019 under Sections 460 & 380, 120-B of the IPC (charge under Section 460 IPC) registered at Police Station Khilchian, District Amritsar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody for about 3 years and 2 months and no witness has been examined till date. She further submitted that in the present case

the entire FIR was based on the circumstances and it was only on the basis of supplementary statement of the complainant that the name of the petitioner was nominated and there was a delay of three days in filing of the FIR.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab, and Mr. Sunil Kumar Yadav, learned counsel for the complainant have submitted that it is a case when the petitioner was inside the jail and he committed an offence of breaking the jail along with other jail inmates for the purpose of running away from the jail and in this regard an FIR No.180 dated 22.04.2020 under Sections 224, 224-B, 427, 511, 120-B IPC and Section 52 of the Prisoners Act, 1894 has been registered against the petitioner and other inmates of the jail and the same has been attached as Annexure A-1. Both the counsels further submitted that in view of the aforesaid conduct of the petitioner, he is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody for about 3 years and 2 months but looking at the conduct of the petitioner whereby he allegedly along with other jail inmates has tried to run away from the jail by breaking the jail, as per the FIR No.180 dated 22.04.2020, the petitioner does not deserve the concession of bail.

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 only meant for the

purpose of decision of present petition.

20.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |