

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

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CRM-M-23707-2022 (O&M)

Date of Decision: 15.11.2022

JASPAL MASIH @ NIKKA

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.140 dated 24.07.2021, registered at Police Station City Gurdaspur, under Sections 397, 148 and 149 IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been indicted in the present case on the disclosure statement of co-accused, Lovejot Singh; that it was in FIR No.144 dated 30.07.2021, under Sections 399, 402 and 411 IPC, registered at Police Station City Gurdaspur, aforesaid Lovejot Singh suffered a statement that he along with the present petitioner had committed the offences in FIR No.144 dated 30.07.2021 and FIR No.140 dated 24.07.2021 (present FIR); that the petitioner has since been acquitted in FIR No.144 dated 30.07.2021 and that the petitioner has been in custody since 02.08.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a habitual offender, inasmuch as, apart from the present FIR, there are four more cases registered and/or pending against the petitioner. He further submits that out of the said four cases, two are under Section 379 IPC and thus, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

No doubt the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused made in FIR No.144 dated 30.07.2021 and the petitioner stands acquitted in the said FIR, but the fact remains that the petitioner is a person of criminal antecedents and is facing four more FIRs, out of which two are under Section 379 IPC. Moreover, having had his complicity in the repeated offence, the petitioner cannot seek the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar offence.

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

15.11.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>