

CRM-M-26387-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26387-2022

Date of decision:19.12.2022

Naresh Kumar @ Laddi Hoshiarpuria

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Gupta, 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.75 dated 06.12.2017, registered at Police Station Gardhiwala, District Hoshiarpur, under Sections 302, 506, 120-B, 148 and 149 IPC and Section 25 of the Arms Act, 1959.

Learned counsel further contends that the petitioner has falsely been implicated in the present case; that the allegations against the petitioner, as per the disclosure statement of co-accused Parminder Singh @ Prince, are that he sat in the car alongwith the aforesaid co-accused, when Ravi Balachauria and Hardeep Singh @ Dabbu had shot Amrik Singh dead, and thereafter, Ravi Balachauria had also sat in the said car occupied by the petitioner.

Learned counsel for the petitioner further contends that the petitioner has been in custody since 04.04.2018; that the petitioner was

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neither named in the FIR nor he was attributed any injury, and that the petitioner has been indicted in the present case on the disclosure statement of co-accused Parminder Singh @ Prince.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that though the petitioner was not named in the FIR, yet he in connivance with the co-accused had actively participated in the offence. He further submits that the petitioner is a known hard core criminal, running a gang of criminals and involved in heinous and serious crimes and, therefore, is not entitled to be released on bail.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR, but co-accused Parminder Singh @ Prince suffered a disclosure statement that at the time of the occurrence, the petitioner was also with them.

A perusal of the custody certificate would show that the petitioner is an infamous criminal, who has 14 other cases registered and/or pending against him. The list of cases registered and/or pending against him includes the cases relating to murder, attempt to murder etc. Even some of the cases have been registered against him while his confinement in jail, meaning thereby he had operated the crime inside the jail. Thus, the petitioner is an inveterate hard core criminal having to his discredit long criminal antecedents.

Indisputably, the petitioner has been in custody since 04.04.2018. It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the

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criminal antecedents are also to be weighed.

Keeping in view the criminal antecedents of the petitioner, the period of custody of about 4½ years, in my considered opinion, melts into insignificance.

In view of the above discussion and having found prima facie case or reasonable ground to believe that the petitioner has complicity with the commission of offence, I am loath to grant bail to the petitioner. If the relief as sought in the petition is allowed to the petitioner, there is every possibility that he would flee from justice or win over the witnesses.

For the larger interest of public and society, the present petition for bail being devoid of merit, stands dismissed.

19.12.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No