

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

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**CRM-M-34601-2022 (O&M)
Date of Decision: 12.09.2022**

AJAY KUMAR @ AJJU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Gill, Advocate and
Mr. Harmanejeet Singh, Advocate
for the petitioner.

Mr. IPS Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-33676-2022

Application is allowed, as prayed for.

Annexures P-7 to P-15 are taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-34601-2022

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.13 dated 19.01.2015, registered under Section 379 IPC and Sections 379-B(2), 411, 392 and 120-B IPC (added later on), at Police Station Garshanker, District Hoshiarpur, Punjab.

Status report by way of an affidavit dated 12.09.2022 of the Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that initially the FIR was registered against the unknown persons and that complainant, namely, Balvir Singh, while appearing as PW-5 before the trial Court on 08.10.2021 failed to identify the petitioner as accused in the present case. He further submits that the petitioner was initially granted the concession of regular bail by the learned Additional Sessions Judge, Hoshiarpur, vide order dated 16.04.2015 and since then, he was attending the Court proceedings regularly. However, due to some unavoidable circumstances, the petitioner was not able to appear before the trial Court and absented himself from the Court proceedings and was declared as a proclaimed person on 04.01.2018 and later on re-arrested on 06.05.2021 and since then, he has been in custody. Still further, it is submitted that as similarly situated co-accused, namely, Davinder Kumar @ Rinku, Rahul Sood and Satinder Singh @ Kala, have already been granted the concession of bail by the trial Court, the petitioner may be granted such concession on the ground of parity.

On the other hand, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, does not dispute the aforesaid factual position. He, however, submits that the petitioner is a habitual offender with criminal antecedents, inasmuch as, 08 (eight) more FIRs, had been registered and/or pending against the petitioner, out of which 03 (three) are of the period during which the petitioner was absconded. He further submits that the first bail petition preferred by the

petitioner was dismissed as withdrawn on 12.08.2021 and second was dismissed by this Court on merits on 10.01.2022 and since then, there is no change of circumstance.

While controverting the aforesaid submissions made by the learned State counsel, learned counsel for the petitioner has placed reliance upon the judgment passed by Hon'ble Supreme Court of India in Prabhakar Tewari vs State of UP and Another, 2020 (1) RCR (Criminal) 831, to contend that mere pendency of the multiple FIRs is no ground to deny the concession of bail to the petitioner.

I have heard the learned counsel for the parties.

This is the third bail petition preferred by the petitioner for grant of regular bail. While dismissing the second bail petition on 10.01.2022, this Court had minutely dealt with all the pleas raised by the learned counsel for the petitioner and since then, there is no change of circumstance.

The case law relied upon by the learned counsel for the petitioner is of no help to the petitioner as the facts and circumstances of each case have to be seen in totality, especially when the accused is involved in multiple FIRs of similar or graver offences.

Indisputably, the petitioner had jumped the bail granted by the learned trial Court. Assuming the ground for his non-appearance before the learned trial Court as plausible, even then the fact remains that during his period of absconding, 03 other cases have been registered

against the petitioner. There is no denial to the said fact from the petitioner's side. Moreover, enlarging the petitioner on bail would be a threat to the security of the society at large as keeping in view his criminal antecedents, he might involve himself in many more criminal activities. Thus, the petitioner is not entitled to the concession of regular bail.

Above all, the ground of parity raised by the learned counsel for the petitioner falls flat when read in conjuncture with the criminal antecedents of the petitioner, inasmuch as, the petitioner had indulged himself in three more cases of similar nature during the period, he had absconded.

In view of the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

12.09.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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