

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

224

CRM-M No. 34235 of 2022

Date of decision : 9.8.2022

Karan Kumar @ Kani

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Sidhu, Advocate, for the petitioner

Mr. Nikhil Chopra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (Oral)

This is the petitioner's third attempt to get bail during the pendency of trial in a criminal case arising from FIR No.396 dated 4.11.2015, under Sections 307/382/323/148/149/120B IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station A Division, District Amritsar City.

While dismissing the first application for grant of bail on 1.10.2020, the following order was passed :

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.396, dated 04.11.2015, registered under Section 307/382/148/149/120-B IPC and Section 25/27 of the Arms Act, 1959, at Police Station A Division, Amritsar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Amritsar, in paragraph 5 of its order dated 26.08.2020, which is extracted as under:-

“5. As per police file, the applicant was arrested in this case on 5.11.2019 after taking the permission from the Court and since then he is in custody. The counsel for the applicant has submitted that he is not named in the FIR and he has not done any overt act

in the alleged crime.

Perusal of the file shows that FIR in this case was registered on the basis of statement of one Naresh Kumar that on 4.11.2015 he was present in New Preet Nagar at 7.30 p.m alongwith his friends Deepak, Bhupinder Singh and Babbu. Then one clean shaven man armed with pistol, entered into his haveli. He hit his UID no.PB0148. 3 friend Deepak with the butt of pistol, due to which he got injury. Meantime complainant grappled with the person with pistol. That person threatened that he will shot if he does not leave him, but he continued to catch him. Thereafter in order to kill him, he fired at him, hitting him on the left thigh. Thereafter he telephoned and called his 4/5 friends, who also came there alongwith weapons and fired in the air and they removed Rs.5000/- from his pocket and one mobile. They have also taken the mobile phone of his friend Charanjit Singh and Raju @ Mochi and ran away. During investigation, accused Mania was named, who was arrested in this case. In the investigation, he has made disclosure statement that weapon which was used by him, belongs to his friend Karan Kumar, who is lodged in jail in some murder case. Meaning thereby, apart from the present case, there is another case pending against the accused, for murder. So accused/applicant is habitual offender like his friends Mani alias Prince alias Mania against whom 19 cases as per the list attached with the trial Court file, of dacoity or murder are pending. So such type of persons are danger to the peace in the society, if released on bail. So applicant is not entitled to concession of bail. His bail application is dismissed.

Present bail application file UID no.PB0148. 4 be attached with the trial Court, which be put up on the date already fixed.”

Learned counsel for the petitioner contends that the petitioner is in custody for the last one year.

On the other hand, Ms. Samina Dhir, Deputy Advocate General, Punjab, has pointed out that the petitioner is not a person with clean antecedents. In fact, he is a habitual offender. She further states that the

following cases are pending against the petitioner:-

<i>FIR No.</i>	<i>Dated</i>	<i>Under Sections</i>	<i>Police Station, District</i>
396	04/11/15	307/382/148/149 IPC & 25/54/59 Arms Act	A Division, Amritsar Amritsar
64	22.05.2016	302/148/149 IPC, 25/54/59 Arms Act	Sadar Hoshiarpur, Hoshiarpur
59	14.7.2012	307/148/149/326 IPC	Harike, Amritsar
278	02/11/14	307/427/382/34 IPC, 25/54/59 Arms Act	Sultanwind, Amritsar Amritsar
65	27.5.2016	21/61/85 NDPS Act	Sadar Hoshiarpur, Hoshiarpur
14	31.1.2019	52-A Prison Act	Kotwali Kapurthala, Kapurthala
146	2012	382 IPC	City Moga, Moga
18	22.1.2016	307/302/336/506/ 323/324/148/149 IPC, 25/54/59 A. Act	City Tarn Taran, Tarn Taran
120	2016	174A IPC	City Tarn Taran, Tarn Taran

Keeping in view the aforesaid facts, this court is not inclined to grant concession of bail to the petitioner.

Dismissed.”

The second application was dismissed on 10.2.2021.

Learned counsel representing the petitioner submits that the petitioner has suffered incarceration for a period of about 5 years.

On the other hand, learned State counsel has submitted that the petitioner is undergoing life imprisonment on account of conviction in a murder trial.

In view thereof, no ground to grant concession of bail is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

9.8.2022
Ashwani

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No