

CRM-M-44029-2021

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

CRM-M-44029-2021

Date of decision: 08.07.2022

Gurdev Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.308 dated 21.12.2019, registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 420, 465, 467, 468, 471 IPC and Sections 66 and 66-C of the Information Technology Act, 2000.

Status report dated 29.03.2022 by way of affidavit of the Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, filed in the Court today, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the alleged occurrence took place on 29.06.2019 whereas the above-noted FIR was registered on 21.12.2019; that the alleged cheating had been committed by the co-accused whereas the petitioner has no concern with the alleged offence, and that the petitioner has been in custody since for the last 01 year and 03 months.

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On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had conned the complainant of his hard-earned money of Rs.74,678/-. Moreover, the petitioner was arrested on 07.04.2020, but he had escaped from the hospital soon after he tested positive for Covid-19, for which FIR No.66 dated 07.04.2021, under Sections 223, 224, 188, 269 and 270 IPC, Police Station Sri Muktsar Sahib, had been registered against him. He further submits that out of three other cases registered or pending against the petitioner, he has since been convicted in one case under Sections 454/380 IPC whereas two cases of similar nature are pending trial.

I have heard the learned counsel for the parties.

There are serious allegations against the petitioner that he alongwith the co-accused had duped the complainant of Rs.74,678/- by purchasing two gold bars weighing 10 gram each, on Flipkart mobile application.

Moreover, the petitioner escaped from the police custody while being treated in the hospital for Covid-19, for which a case had been registered against him. The petitioner has as many as three other cases registered or pending against him, showing his tendency of committing repeated crime(s) of similar nature. The criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances as well as the conduct and the criminal antecedents of the accused are also to be

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weighed. Keeping in view the criminal antecedents of the petitioner, the period of custody of about 01 year and 03 months, in my considered opinion, melts into insignificance. Still further, having had his complicity in the repeated offence of theft, 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.

08.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No