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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40974-2022 (O&M)

Date of Decision: 13.09.2022

Harpreet Singh @ Happy

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuljit Singh Bal, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 08 Dated 10.01.2022, under Sections 379(B), 379(B) (2), 201 IPC and Section 25/54/59 of Arms Act, registered at Police Station Kamboj, District Amritsar.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 25.02.2022 and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. He further submitted that it is a case where the petitioner has been falsely implicated and in fact during a period of 3-4 days continuously the petitioner was falsely implicated in different FIRs of similar nature at different police stations on the similar allegations and allegations were concocted story of the police and therefore, the petitioner may be considered for the grant of regular bail. He submitted that even otherwise once the

investigation has been completed, then no useful purpose will be served in case the petitioner is kept in custody.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has filed custody certificate in the Court today which is taken on record. He submitted that it is a case where 5 persons including the petitioner during night time had stopped the scooter of the complainant and 2 out of the 5 persons were having pistols in their hands and 3 persons were armed with Datar and they snatched iphone 12 and 1+ Nord alongwith amount of Rs. 30,000/- from the complainant. He submitted that the present FIR was registered on 10.01.2022 at Police Station Kamboj, District Amritsar and in the sequence of events the petitioner was also involved in a similar kind of offence under Section 379-B IPC in FIR No. 2 dated 08.01.2022 at Police Station Klanaur, District Gurdaspur, FIR No.13 dated 11.01.2022, under Sections 379-B(2), 411 and 473 IPC and Sections 25/54/59 of Arms Act at Police Station Maboolpura, Amritsar and the present FIR is dated 10.01.2022. He submitted that continuously for about 3 days the petitioner had been committing the similar offence. Apart from the aforesaid FIRs, the petitioner is involved in one more FIR No. 137 dated 19.12.2021, under Sections 323, 379-B(2) and Section 25/54/59 of Arms Act which was lodged at Police Station Khalchian, District Amritsar. He submitted that all the 4 FIRs are at different police stations and the petitioner is a habitual offender and there is every likelihood that in case the petitioner is released on bail, then he may not only repeat the offence but will also abscond from justice and has therefore vehemently opposed the grant of regular bail to the petitioner. He also submitted that although in the present case there was no recovery from the petitioner but from the aforesaid case i.e FIR No. 13 dated 11.01.2022, there was recovery of one car and one pistol from the petitioner.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 25.02.2022 and the investigation of the case is complete but as per learned State counsel the petitioner is involved in as many as 3 more cases of similar nature and there was a recovery of one pistol and one car from the petitioner in the aforesaid case i.e. FIR No. 13 dated 11.01.2022. The learned State counsel has also submitted during the course of arguments that the petitioner had been repeating the offences. The apprehension which has been expressed by the learned State counsel that in case the petitioner is released on bail, then he may repeat the offence and he may even abscond from justice cannot be ignored and does carry weight.

In view of the aforesaid position, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

13.09.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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