

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41562-2022

Date of Decision: 15.09.2022

Jatinder Singh @ Chhindri

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parunjeet Singh, 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 grant of regular bail to the petitioner in FIR No. 180 dated 13.06.2021, under Sections 379-B, 34 IPC (Sections 411 and 473 IPC added later on), registered at Police Station Division No.2, District Ludhiana.

The learned counsel for the petitioner has submitted that the petitioner is not involved in the present case and has been falsely implicated and in fact the other co-accused who allegedly snatched the mobile phone has been granted bail by this Court. He submitted that although the petitioner is involved in one more case under Section 379 IPC but in the present case even as per the allegation he was only driving the motorcycle.

On the other hand, Mr. Kunal Vinayak, learned Assistant

Advocate General, Punjab has submitted that the petitioner has been specifically named in the FIR and there are specific allegations against the petitioner and even the complainant had identified the petitioner, apart from the fact that the complainant also identified the motorcycle. He submitted that the complainant is yet to be examined and there are chances that in case the petitioner is released on bail, then he may influence the witnesses or even he may abscond from justice or may repeat the offence. He further submitted that the petitioner is a habitual offender and he is also involved in another FIR No.115 dated 29.05.2021, under Section 379 IPC. He further submitted that so far as the bail granted to the other co-accused is concerned, the other co-accused is also involved in three more cases and when the other co-accused was granted bail, one of the grounds for grant of bail was at that point of time there was a third wave of Covid-19 pandemic which has been reflected in the order passed by a Co-ordinate Bench of this Court. He submitted that in case petitioner is granted bail, then there is apprehension that the petitioner may repeat the offence and may even abscond or may influence the witnesses since complainant is yet to be examined.

I have heard the learned counsel for the parties.

The petitioner is in custody for 1 year and 3 months but no witness has been examined till date. The petitioner is also involved in 1 more case under Section 379 IPC and he has been specifically named in the FIR. So far as the fact that the other co-accused has been granted bail would not vest any right in the petitioner since a perusal of the order passed by a Co-ordinate Bench of this Court would show that the other co-accused was granted bail and one of the reasons was ongoing Covid-19 pandemic

because at that time third wave was going on. The apprehension which has been expressed by the learned State counsel that in view of the fact that the petitioner is a habitual offender and in case the petitioner is released on bail, then he may repeat the offence or may abscond from justice or even influence the complainant cannot be ignored and does carry weight.

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

Consequently, the present petition is hereby 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.

15.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No