

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

SR. No.223

CRM-M-48654-2021

Date of Decision:18.07.2022

Lovepreet Singh @ Love @ Bachhi

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Bains, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

This is second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.53 dated 22.02.2017 under Sections 379/379-B/411 IPC registered at Police Station E Division, District Amritsar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since June 2019 and no prosecution witness has been examined till date. It is a case where secret information was received by the police that the petitioner along with co-accused had formed a gang to commit theft of mobile phones and ladies purses in Amritsar City. They had also stolen mobile phones and ladies purses of the passengers in trains departing from the Railway Station, Amritsar and also stole the belongings of the devotees in the nearby area of Sri Darbar Sahib. He submitted that the petitioner was arrested on the next day and thereafter he jumped the bail. He was declared as a proclaimed offender but thereafter he was re-arrested. He submitted that be that as it may, the

petitioner is in custody for more than 03 years and no prosecution witness has been examined till date and therefore, he may be considered for grant of regular bail.

On the other hand, learned counsel for the State has submitted that it is correct that the petitioner is in custody for the last more than 03 years and no prosecution witness has been examined. However, he has opposed the grant of regular bail to the petitioner on the ground that he along with co-accused formed a gang whereby they repeatedly snatched mobiles phones, ladies purses and other articles from the passengers at the Amritsar Railway Station and also from the devotees visiting Sri Darbar Sahib. He submitted that earlier in the present case itself, the petitioner was declared as a proclaimed offender and he was thereafter re-arrested and there is every likelihood that in case the petitioner is released on bail, then he may repeat the offence or he may abscond. He further submitted that the petitioner is involved in number of other cases which not only pertain to Section 379-B IPC but also under the NDPS Act. There are 07 other cases pending against the petitioner. In one case he has already been convicted under the NDPS Act and in another case he was convicted under the Prisons Act and therefore, considering his antecedents as well as the fact that he was earlier declared as a proclaimed offender in the present case, he does not deserve the concession of regular bail even if the petitioner is in custody for more than 03 years.

I have heard the learned counsel for the parties.

The allegation against the petitioner was with regard to forming a gang with other co-accused for snatching the mobile phones, ladies

purses and other articles from the passengers at the Railway Station, Amritsar and also from the devotees nearby the area of Sri Darbar Sahib. The petitioner is in custody for the last more than 03 years and no justification is coming forward from the State as to why no prosecution witness has been examined as of today. However, this Court would not be ignoring two facts. Firstly, the petitioner was earlier declared as a proclaimed offender in the present case itself and was re-arrested by the police and secondly, he was involved in as many as 07 other cases out of which he was convicted in one case under the NDPS Act and other pending cases pertain to Section 379 IPC and Section 379-B IPC. Therefore, the argument raised by the learned counsel for the State that there is apprehension that in case the petitioner is released on bail, he may abscond or may repeat the offence, cannot be ignored. Similarly, the fact that the petitioner is in custody for the last more than 03 years and no prosecution witness has been examined also deserves consideration.

After giving thoughtful consideration to the aforesaid factual position, this Court is of the view considering the aforesaid position whereby the petitioner was declared as a proclaimed offender in the present case and was also involved in number of other cases, he does not deserve the concession of regular bail.

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.

However, considering the custody period of the petitioner and also the fact that no prosecution witness has been examined as yet, this Court would certainly issue directions to the learned trial Court for expediting the trial.

Consequently, the learned trial Court is directed to expedite the trial and to conclude the same as early as possible and preferably within 06 months.

A copy of the order be sent to the learned trial court for compliance.

(JASGURPREET SINGH PURI)
JUDGE

18.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO