

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-44191 of 2022
Date of Decision:16.11.2022

Rashpinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L. S. Sidhu, 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.297 dated 20.09.2019, under Section 420 IPC, registered at Police Station Sadar Mansa, District Mansa.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for the last 11 months and the trial of the case is going at slow pace. Learned counsel for the petitioner has submitted that the present case is triable by a Magistrate and the trial of the case may take long time therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated, on instructions from ASI Kewal Singh, that although the petitioner is in

custody for the last 11 months but it is a case in which the petitioner is not entitled for the grant of regular bail in view of the gravity and seriousness of the offence. He submitted that it is a case where a complaint was received from the three complainants that the petitioner has taken an amount of Rs.50,000/- each as a part payment for the purpose of recruitment as a Clerk in the Punjab and Haryana High Court and even some amount of money has also been transferred in his name and thereafter nothing has been done by him. Learned State counsel submitted that the petitioner is a habitual offender and he is involved in 5 more cases, out of which four cases pertain to allegation under Section 420 IPC and the allegation in FIR No.5 dated 11.01.2019 were similar as in the present case whereby he had taken money on the ground that he had liason with the Court officials. Learned State counsel further submitted that although the petitioner has been acquitted in two cases out of these five cases and in the remaining three cases he is still under trial but he had been repeating similar kind of offence for a number of times. He submitted that in view of the magnitude of the seriousness and the gravity, he is not entitled for the grant of regular bail. He further submitted that apart from the same, there is a strong apprehension that in case the petitioner is released on bail, then he may again repeat the offence or may even abscond from justice.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from the last 11 months. The allegations against the petitioner were that he had demanded Rs.2,00,000/- from the each complainant, out of which he had taken Rs.50,000/- to be paid in advance and some amount was deposited in his account as well. There are more than one complainant in the present FIR and the allegations are that he has taken money for the purpose of getting the complainants recruited as Clerks in the Punjab and

Haryana High Court. As per the learned State counsel, the petitioner is also involved in five more cases out of which four cases are of similar nature and out of five cases, he has been acquitted in two cases and one of the cases is pertaining to Section 295-A IPC as per the custody certificate filed by the State. The learned State counsel has also expressed strong apprehension that in case the petitioner is released on bail, then he may not only abscond from justice but he may repeat the offence. Such an apprehension of the learned State counsel, cannot be ignored particularly in view of the antecedents of the petitioner as aforesaid.

Therefore, in view of the aforesaid position and considering the gravity and the seriousness of the offence involved and the antecedents of the petitioner, this Court does not deem it fit and proper to grant the regular bail to the petitioner and therefore finding no merit in the present petition, the same is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

November 16, 2022

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