

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-45781 of 2022
Date of Decision:12.10.2022

Amritpal Singh @ Kaka

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Karan Dhawan, Advocate, for
Mr. B. S. Jaswal, Advocate,
for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present is a second 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.09 dated 12.01.2022, under Section 379-B(2)/34 IPC, registered at Police Station Ranjit Avenue, District Amritsar.

It has been submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is in custody from 16.01.2022 and the investigation in the present case has already been completed and thereafter report under Section 173 of the Code of Criminal Procedure was presented before the competent Court but the charges have not been framed yet. He further submitted that earlier he had filed a petition for the grant of bail before this Court which he

had withdrawn on 01.06.2022 vide Annexure P-3. He has further submitted that the petitioner was named by the other co-accused namely Jaskaran Singh and he has no past history pertaining to a similar kind of offence of theft and therefore he has prayed for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior DAG, Punjab, on instructions from ASI Surjeet Singh who is present in court, has submitted that it is correct that the petitioner is in custody from 16.01.2022 but has opposed the grant of bail to the petitioner on two grounds. Firstly, the present petition is not maintainable in view of the fact that the petitioner had earlier filed bail petition vide Annexure P-3 before this Court which he had withdrawn on 01.06.2022 and after three months he has filed the present petition but there is no change of circumstance at all. Secondly, it is a case where the petitioner was sitting on a motorcycle as a pillion rider and alongwith other co-accused namely Jaskaran Singh and they snatched the bag from the complainant which contained important documents and thereafter they fell down. The other co-accused was caught on the spot by the police and there and then he disclosed the name of the present petitioner and thereafter the present petitioner was also arrested. He further submitted that the complainant is yet to be examined in the present case and there is a strong apprehension that in case the petitioner is released on bail, then he may influence the complainant and other material witnesses especially in view of the fact that the petitioner is involved in two more cases out of which one pertains to NDPS Act and has therefore vehemently opposed the grant of bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody from 16.01.2022 and as per the prosecution story, the petitioner was a pillion rider on the motorcycle and

allegations were with regard to forcible snatching of a bag which contained important documents of the complainant. The police party nabbed the other co-accused on the spot and the present petitioner who ran away from the spot was apprehended thereafter. During the course of arguments, the learned State counsel on instructions submitted that during the course of investigation one *dattar* and motorcycle which was used in the offence has been recovered from the present petitioner. The complainant has not been examined as of now. The apprehension expressed by the learned counsel for the State that he may influence the complainant, cannot be ignored. Apart from the same, the petitioner had earlier filed a petition for grant of bail which he had withdrawn on 01.06.2022 and thereafter there is no change of circumstance.

In view of the aforesaid fact and circumstances, this Court does not find any merit in the present petition and 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

October 12, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No