

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-15400-2023

Decided on : April 11, 2023

Sohan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Satinder Kaur, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab

NAMIT KUMAR, J. (Oral)

This second petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.91 dated 31.05.2019, under Sections 408 and 409 of IPC, registered at Police Station Tibba, District Ludhiana.

The Ist petition filed by the petitioner seeking regular bail was dismissed as withdrawn on 16.03.2023 with following order:-

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The instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.91 dated 31.05.2019 under Sections 408 and 409 of IPC registered at Police Station Tibba, District Ludhiana.

In paragraph No.15 of the instant petition, it has been mentioned that “as per the instructions received by learned counsel for the petitioner, the petitioner is not involved in other cases of similar nature and neither declared proclaimed offender by any Court of law nor any criminal case is registered/pending against him except the present FIR.”

Learned State counsel has filed the custody certificate of the petitioner as well as status report by way of an affidavit of Gurdev Singh, PPS, Assistant Commissioner of Police (East), Ludhiana on behalf of respondent State of Punjab. The same are taken on record.

On the strength of para No.8 of the status report, it has been submitted that the petitioner is a habitual offender and apart from the present FIR, 10 more FIRs have been registered against the petitioner. The details of which are reproduced as under:-

Sr. No.	Particulars of FIRs	Status
1	FIR No.31 dated 25.05.2013, u/s 279, 337, 338, 427, 304-A IPC, P.S. City Raikot.	Acquitted on the basis of compromise.
2	FIR No.50 dated 26.04.2014, u/s 323, 324, 506 IPC, P.S. Dehlon, Ludhiana (cross-case)	Cancellation Report submitted
3	FIR No.60 dated 02.05.2015, u/s 447, 511, 427, 506, 148, 120-B IPC, P.S. Dehlon, Ludhiana	Trial pending
4	FIR No.61 dated 02.05.2015, u/s 447, 511, 427, 506, 148, 120-B IPC, P.S. Dehlon, Ludhiana.	Trial pending
5	FIR No.66 dated 02.05.2015, u/s 447, 511, 427, 506, 148, 120-B IPC, P.S. Dehlon, Ludhiana	Trial pending
6	FIR No.81 dated 09.07.2016, u/s 326, 323, 506 IPC, P.S. Dehlon, Ludhiana. Cancellation	Report submitted.
7	FIR No.49 dated 20.04.2019, u/s 406. 420, 120-B IPC, P.S. Sadar, Ludhiana	Challan presented on 20.10.2020.
8	FIR No.84 dated 27.04.2021, u/s 21 Mining Act and Section 379 IPC, P.S. Sahnewal, Ludhiana.	Trial pending
9	FIR No.148 dated 27.04.2021, u/s 21 Mining Act and Section 379 IPC, P.S. Sahnewal, Ludhiana.	Trial pending
10	FIR No.242/2022 u/s 447, 448, 511 IPC, P.S. Sahnewal, Ludhiana.	Under investigation.

Faced with this situation, learned counsel for the petitioner wishes to withdraw the instant petition at this stage.

Dismissed as withdrawn at this stage. ”

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A perusal of the case record shows that the first bail application filed by the petitioner was dismissed as withdrawn vide order dated 16.03.2023 passed by this Court and now this second petition has been preferred by the petitioner on 22.03.2023 i.e. within one week of the passing of order in the earlier bail application without any change in the circumstances of the case. Furthermore, a perusal of the Power of Attorney annexed with the petition would show that the same is of dated 15.02.2023 i.e. prior to the even date of disposal of Ist bail application, as the present bail application has been filed on 22.03.2023.

Keeping in view the above facts and circumstances of the case enumerated above, this court is not inclined to invoke jurisdiction under Section 439 of Cr.P.C. for grant of regular bail.

Dismissed.

April 11, 2023
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(NAMIT KUMAR)
JUDGE

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