

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

225

CRM-M-19578-2023 (O&M)

Date of Decision: 13.07.2023

Ram Parkash Pandit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amrit Paul Nahar, Advocate for
Mr. P.S.Bedi, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 172 dated 20.06.2022, under Section 392 IPC and Sections 25, 27 of the Arms Act, registered at Police Station Rama Mandi, District Jalandhar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for more than seven months. The charges were framed on 04.07.2023. He submitted that no specific role has been attributed to the petitioner even as per the FIR and, therefore, the petitioner may be considered for the grant of regular bail. He further submitted that no recovery has been effected from the petitioner and the investigation of the case has been completed and, therefore, no useful purpose would be served

in case the petitioner is further kept in custody.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that the petitioner does not deserve the concession of regular bail in view of the fact that it is a case where the petitioner along with four other co-accused had muffled their faces and as per the allegations, they entered in the office of the complainant and one of them was also carrying pistol, one was carrying dattar and remaining two boys were carrying bricks in their hands and they threatened the complainant. Thereafter, they took cash amount of Rs.1,22,371/- by opening drawer. Thereafter, they forcibly opened the almirah where cash amount of Rs.2,10,535/- and Rs. 1,51,396 was lying. In this way, they looted total amount of Rs. 4,84,302/-. Out of them one boy also opened the DVR of the camera. He submitted that at the time of investigation, cash amount of Rs. 20,000/- was recovered and the DVR could not be recovered. He further submitted that the petitioner is involved in one more case bearing FIR No. 273 dated 11.11.2022 under Sections 379 and 411 IPC registered in Police Station Division No.8, Jalandhar. Learned State counsel further submitted that even the complainant has not been examined in the present case and there is a strong apprehension that in case the petitioner is released on bail, then he may not only abscond from justice but he may also influence the witnesses. He further submitted that while he was on bail in the aforesaid other case, he has committed the present offence of dacoity.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for more than seven months but as per the learned counsel for the parties, no prosecution witness has been examined till date and the charges were framed on 04.07.2023. In view of the gravity of

the offence contained in the FIR and in view of specific apprehension

expressed by learned State counsel, this Court does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

7. 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.

(JASGURPREET SINGH PURI)
JUDGE

July 13, 2023
Rajeev (rvs)

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No