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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32210-2023
Date of decision: 08.11.2023

AJIT SINGH

...Petitioner

VERSUS

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Parunjeet Singh, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, APP, U.T., Chandigarh.

JASGURPREET SINGH PURI, J. (Oral)

1. 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.427 dated 19.11.2011, under Sections 379, 411, 467, 468, 471 and 420 of the IPC, registered at Police Station Sector-39, Chandigarh.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 11 months and in the present case, the petitioner was not named in the FIR and his name was nominated later on. He further submitted that the allegation against the petitioner is pertaining to the theft of Scorpio vehicle, which was parked in front of the house of the complainant. He also submitted that earlier the petitioner was declared as a proclaimed offender, but later on he was arrested and now his custody is about 11 months and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Simsi Dhir Malhotra, APP, U.T., Chandigarh has filed the custody certificate of the petitioner in Court today, which is taken on record and while referring to the said custody certificate, she submitted that although the petitioner is in custody for about 11 months but the petitioner is a habitual offender and is involved in 11 more cases of similar nature. She further submitted that the petitioner was declared as a proclaimed offender in the present case in the year 2016 and thereafter, he was arrested in the year 2022 and he remained a proclaimed offender for a period of about 6 years and while he was on the run, he was also involved in two more cases of similar nature and there is a likelihood that in case the petitioner is released on bail, then he may again abscond and repeat the offence. She also submitted that out of total cited 17 prosecution witnesses, 5 prosecution witnesses have been examined and 3 prosecution witnesses have been given up and the trial is progressing and, therefore, the petitioner is not entitled for the grant of regular bail.

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

5. In the facts and circumstances of the present case where the petitioner although has faced incarceration for about 11 months but as per learned counsel for the parties, he remained a proclaimed offender for about 6 years and even otherwise, the trial of the case is progressing. The apprehension which has been raised by the learned State counsel that considering the conduct and the antecedents of the present petitioner, in case he is released on bail then he may again abscond and repeat the offence, cannot be ignored and carries weight.

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 the merits of the case and is meant for the purpose of deciding the present petition only.

08.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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