

CRM-M-44509 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44509 of 2022

Date of decision: 27th February, 2023

Aman Kumar @ Aman Jaito

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Inderpreet Singh Kooner
and Ms. Shruti Sharma, Advocates for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is second petition seeking regular bail in FIR No. 59 dated 24.7.2018, under Sections 392, 382, 384, 473, 506, 148, 149, 120-B IPC and Section 25 of the Arms Act, 1959 and Sections 18, 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Rajpura.

The earlier petition was dismissed on 15.7.2021 by passing the following order:

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of regular bail in case of FIR No. 59 dated 24.7.2018, under Sections 392, 382, 384, 473, 148, 149 and 120-B IPC and Section 25 of Arms Act, 1959 and Sections 22, 29, 18, 61 and 85 of NDPS Act, 1985, registered at Police Station Sadar Rajpura, District

Patiala, Punjab.

Police on 24.7.2018, received a secret information that Sukhpreet Singh @ Bhuda, Amna Jaito (petitioner), Arshdeep Singh @ Bittu, Varinder Pal Singh @ Beena, Palwinder Singh @ Lakhari, Alam Battle @ Kranti, Harman Randhawa, Lucky Patiala, Binda, Bhupi Rana, Deep Sahni etc have constituted a gang. They indulge in highway robbery and with the help of fire arms snatch vehicles. On the basis of the information, FIR was registered for nabbing the accused and a nakka was laid. A Scorpio vehicle bearing registration No. PB-11-CD-1125 coming from Ambala side was stopped. The occupants were apprehended and name of the occupants revealed were Rajat Kumar @ Safi, Aman Kumar @ Amna (petitioner), Karan Mangla @ Karan, Sumit Bajaj @ Laddi, Yadwinder Singh, Sukha @ Vicky. On their search, from petitioner .32 bore pistol and four live cartridges, .32 bore loaded revolver having six live cartridge and from the pocket 500 grams of intoxicant powder was recovered from the conscious possession of the petitioner. The power found was of diphenoxylate hydrochloride.

Learned counsel for the petitioner argues that the petitioner is in custody since July 2018. Co-accused was granted bail by this Court. The submission is that conclusion of trial is taking time and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel on instructions from ASI Harnek Singh vehemently opposes the prayer for bail. She submits that apart from two illegal weapons, bullets and non-commercial quantity of intoxicant powder were recovered. The contention is that the petitioner is involved in 19 more cases and is likely to abscond if enlarged on bail.

Apart from the recovery of illegal weapon and bullets, 500 grams of diphenoxylate hydrochloride was recovered

from the petitioner. Beyond 50 grams is commercial quantity. Section 37 of NDPS Act comes into play. The petitioner cannot claim parity with the co-accused for grant of bail as there was no recovery of intoxicant substance from the co-accused. The involvement of petitioner in 19 more cases is an indicator about the antecedents.

No case is made out for grant of bail.

The petition is dismissed.”

The petitioner has neither challenged the earlier order nor shown any change in circumstances. The argument is based only on the ground of custody.

Considering that the earlier petition was dismissed taking into account the seriousness of the allegations and involvement of the petitioner in number of other cases, no case is made out for grant of bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

27th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |