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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46850-2023
Date of Decision: 21.11.2023

Harjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinay Kumar, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.86 dated 27.08.2022, under Sections 379-B(2), 341, 323 & 34 IPC and Sections 27/61/85 of the NDPS Act were deleted later on, registered at Police Station Bhikhiwind, District Tarn Taran.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 26.10.2022 and earlier he had filed a bail petition before this Court which was dismissed by passing an order dated 12.07.2023 (Annexure P-3) and submitted that now there is a change of circumstance because the complainant has been examined and he has not supported the prosecution version and has been declared as hostile. He further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

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3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that although after the dismissal of the earlier bail petition, which is only 4 months ago, the complainant has been examined but it is a case where the petitioner is involved in one more case of similar nature i.e. under Section 379-B IPC and another case under Section 452 IPC. He also submitted that the petitioner was earlier involved in one case under Section 302 IPC but he has since been acquitted in that case. He further submitted that the mere fact that the complainant has turned hostile, would not become a ground for grant of regular bail to the petitioner and submitted that considering the allegation in the present case that the petitioner along with the other co-accused had used pistol which was inoperative for the purpose of snatching mobile phone from the complainant and also caused injuries by way of *Datar* on his bicep, therefore, he does not deserve the concession of regular bail. He also submitted that the petitioner is a habitual offender and there is a likelihood that in case he is released on bail then he may abscond or flee from justice or may even repeat the offence and has, therefore, vehemently opposed the grant of regular bail to the petitioner.

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

5. Earlier the petitioner had filed a petition for grant of regular bail before this Court which was dismissed on 12.07.2023 and as per the learned counsel for the parties, now the complainant has been examined and he has not supported the prosecution version. The allegation against the petitioner are with regard to snatching of mobile phone by using a pistol which was thereafter found to be inoperative and causing injuries to the complainant by

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way of *Datar*. The petitioner is stated to be involved in one more case of similar nature which is also under Section 379-B IPC and another case is under Section 452 IPC. He was earlier also involved in one more case under Section 302 IPC but as per the learned counsel for the parties, he has since been acquitted in that case. The apprehension which has been expressed by the learned State counsel that in case the petitioner is released on bail then he may not only abscond or may even repeat the offence, considering his background, carries weight and cannot be ignored. Therefore, 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 and 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 only meant for the purpose of decision of present petition.

21.11.2023

Bhumika(JASGURPREET SINGH PURI)
JUDGE

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |