

CRM-M-49172-2022

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

CRM-M-49172-2022

Date of decision: 17.01.2023

Anil Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lalit Singla, Advocate,
for the petitioner.

Mr. R.S.Budhwar, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 19.04.2022), the petitioner seeks regular bail in case FIR No.88 dated 28.04.2020, registered at Police Station Garhi, District Jind, under Section 379-A IPC and Section 411 IPC (added later on).

Learned counsel for the petitioner contends that the above-noted FIR has been registered against some unknown persons; that the petitioner was indicted on the disclosure statement of the co-accused, who was in custody at that time in case bearing FIR No.81 dated 24.04.2020, under Sections 379-A and 412 IPC, registered at Police Station Garhi, District Jind; that recovery has already been effected; that the petitioner has been in custody since 01.09.2020, and that out of 15 prosecution witnesses, only 03 witnesses have been examined so far. Moreover, the petitioner has been either acquitted or released on bail in most of the cases registered or pending against him.

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On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner and the co-accused, who were in muffled faces, had snatched the ear-rings and nose-pin of complainant-Meena; that after committing the crime, the accused had run away on the motor-cycle, and that an amount of Rs.3,000/- which were received by the petitioner after selling the snatched ear-rings, had been recovered from him. Learned counsel further submits that the petitioner is a habitual offender and involved in similar nature of offences, and that the petitioner is facing the trial in 11 cases whereas he has been acquitted in 05 cases and convicted in 01 case.

I have heard the learned counsel for the parties.

As per the case of prosecution, the petitioner alongwith the co-accused had snatched the ear-rings and nose-pin of the complainant and recovery of Rs.3,000/-, which were received by the petitioner after selling the stolen property, had been effected from him.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the criminal antecedents are also to be weighed. The discretionary power while granting bail is to be exercised in a judicious manner in case of a habitual offender. The factum of involvement of the petitioner in 17 cases (though acquitted in 05 cases), by no stretch of imagination, can be regarded as jejune.

Considering the same, at this stage, no justifiable ground is made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

17.01.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No