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

**CRM-M-50039-2023
Date of Decision: 09.10.2023**

Rakesh Kumar @ Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Rana, Advocate,
for the petitioner.

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

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.104, dated 27.06.2019, under Section 379-B IPC and Sections 411, 472 IPC added later on in the Challan), registered at Police Station Chheharta, District Police Commissionerate, Amritsar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody since 22.12.2022, which is more than nine months. He further submitted that the other co-accused, namely, Pardeep has already been granted regular bail by the learned trial Court itself. He submitted that in view of the aforesaid position, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody for more than nine

months but it is a case where the FIR was registered on 27.06.2019 on the statement of complainant Rupali Sharma and the allegation against the accused is of snatching of gold chain etc. from her and the petitioner absconded thereafter. He further submitted that the challan was presented against the other co-accused, namely, Pardeep, who was thereafter granted bail by the learned Addl. Sessions Judge, Amritsar but so far as the petitioner is concerned, he was arrested after a long period of time i.e. on 22.12.2022 and thereafter, qua him the challan was presented. He also submitted that the time when the complainant was examined; when the petitioner absconded and the other co-accused was facing the trial; when the complainant had rather supported the prosecution version and also stated that in case the other co-accused comes before her then he can also be recognized. He further submitted that for more than 2½ years, he was absconding and he is a habitual offender and is involved in 7 more cases, out of which 2 pertain to NDPS Act, 2 under 379-B IPC and 1 under 382 IPC. He also submitted that in one of the cases, under Section 379-B IPC, he has also been convicted. He further submitted that in view of the aforesaid facts and circumstances, the petitioner does not deserve the concession of regular bail and there is an apprehension that in case the petitioner is released on bail, then he may again abscond and may even influence the witnesses.

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

5. The present is a case where the custody of the petitioner is about nine months but as per the learned State counsel, the petitioner is a habitual offender and is involved in 7 more cases and has also been convicted in one case under Section 379-B IPC. The petitioner remained absconding for a long

period of time which is almost 2½ years and thereafter, he was arrested. Therefore, it cannot be said that the petitioner is at parity with the other co-accused, namely, Pardeep.

6. In view of the aforesaid facts and circumstances, considering the gravity of the offence and the conduct of the petitioner, the petitioner does not deserve the concession of regular bail. Consequently, the present petition 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.

09.10.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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