

CRM-M-54213 of 2022

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

CRM-M-54213 of 2022
Date of decision: 28.02.2023

Arun Kumar @ Mota

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kunal Choksi, Advocate,
for Mr. S.P.S. Khaira, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.134 dated 14.06.2022 under Sections 399, 402, 201 IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Focal Point, Ludhiana, Punjab.

Present case was registered against the petitioner and others on the ground that they committed decoity of Rs.3 lacs from the worker/employee of Eastman company. Petitioner and others were arrested on 14.6.2022 and 32 bore pistol, three alive cartridges and amount of Rs.18,000/- were recovered from the possession of petitioner-Arun Kumar and one iron dah and amount of Rs.14,000/- were recovered from possession of co-accused-Ram Diyal.

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Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that investigation has already been completed; challan has been presented and charges are yet to be framed in this case. He further submits that petitioner in custody since 14.06.2022. He further submits that co-accused of the petitioner, namely, Ram Dayal and Gurwinder Singh @ Rinku have been granted regular bail by a Co-ordinate Bench of this Court vide orders dated 07.12.2022 and 21.12.2022 passed in CRM-M-55963 of 2022 and 58625 of 2022, respectively. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner in jail.

Per contra, learned State counsel while placing on record custody certificate, submits that keeping in view the gravity of offence and seriousness of allegations against the petitioner, he is not entitled to grant of regular bail as he may threaten the prosecution witnesses and may commit the offence again. He further submits that petitioner is involved in two more cases bearing FIR No.121 dated 02.06.2022 under Section 379-B(2) IPC and Sections 25, 27 of the Arms Act, registered at Police Station Focal Point, Ludhiana, and FIR No.135 dated 14.06.2022 under Section 22 of the NDPS Act, registered at Police Station Focal Point, Ludhiana. However, he could not refute the contention of the learned counsel for the petitioner that challan has been presented; charges are yet to be framed and above-named co-accused of the petitioner have been granted regular bail by a Co-ordinate Bench of this Court.

Learned counsel for the petitioner, in rebuttal, has relied upon

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the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another***, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

I have heard learned counsel for the parties and perused the paperbook.

Keeping in view the custody period of the petitioner, which is 08 months and 16 days; the fact that the challan has already been presented; charges are yet to be framed; co-accused of the petitioner have been granted regular bail and the fact that conclusion of trial may take a long time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

However, it is made clear that in future if the petitioner is found involved in any other case of similar nature, respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

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Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

28.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No