

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-55720-2023
Date of Decision: 14.11.2023

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kulbir Singh Saini, 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. 37 dated 27.02.2023, under Section 379-B (2) IPC and Sections 473, 201, 411, 34 IPC added later on vide rapat No. 19 dated 17.04.2023, registered at Police Station Beas, District Amritsar.

2. Learned counsel for the petitioner submitted that petitioner is in custody for about eight months and the investigation of the case has already been completed and the challan has also been presented. He further submitted that the subject matter in the present case is of theft of only a mobile phone and Rs. 800/- and now no recovery is to be effected from the petitioner. Therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. G.S.Sidhu, AAG, Punjab has opposed the grant of bail to the petitioner and submitted that it is a case where the

complainant was going from his village to Beas at night time i.e. around

8:30 to 9:00 P.M., when he reached near Kannewali workshop, then three unknown persons including the petitioner who had covered their faces, gave a leg push to his motorcycle due to which he fell down and they also gave him blows with *dangs* and *kirpan*. The assault by way of *kirpan* was on the fingers of left hand of the complainant, while the one of the other person gave *danda* blow and also snatched the purse, containing Rs. 800/- and his mobile phone from the complainant. Thereafter, all the three accused persons fled away from the spot. He further submitted that the aforesaid *kirpan* was also recovered from the petitioner. Learned State counsel further submitted that the petitioner is involved in seven more cases of similar nature of such kind of theft and he is a habitual offender and in case he released on bail then he may not only abscond from justice but he may also repeat the offence and therefore he does not deserve the concession of regular bail. He also submitted that even the complainant has not been examined till date.

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

5. Although the custody of the petitioner is about 8 months but he is stated to be a habitual offender and is involved in seven more cases of similar nature. The complainant has not been examined till date. In view of the allegations against the petitioner and the apprehension expressed by the learned State counsel that considering the facts and circumstances of case if the petitioner is released on bail then he may not only abscond from justice but even repeat the offence, cannot be ignored and carries weight. Therefore, considering the aforesaid totality of facts and circumstances and the gravity of offence involved, the petitioner does not deserve the concession of regular bail.

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.

(JASGURPREET SINGH PURI)
JUDGE

14.11.2023
‘Rajneesh’

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No