

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

158

2023:PHHC:165561

CRM-M-65322-2023

Date of decision: December 22<sup>nd</sup>, 2023

Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Tapish Kumar Gupta, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.122 dated 27.05.20203 registered under Sections 454, 380 and 411 of the IPC (Section 411 IPC added later on) at Police Station Division No.5, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner and that too after five months of the registration of the FIR in question, wherein the petitioner was not named; he submits that as per the allegations levelled, two persons scaled the wall of the house of the complainant, after breaking the window mesh, committed theft inside the house. Learned counsel submits that a false and fabricated case has been planted upon the petitioner only on account of the fact that his mother was a social worker, who had been raising her voice against the local goons/drug peddlers. He submits that it was in the above background, the goons had conspired with the police and falsely implicated him in the case in question.

3. On a pointed query put to the learned counsel, he submits

that there is one more criminal case pending against the petitioner, though that was registered way back in the year 2022 and he had been since enlarged on anticipatory bail in the said case.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. *Prima facie*, the petitioner comes across as a habitual offender. It is also apparent that the petitioner committed the crime in question while he was on bail in the previous case which was registered against him for identical offences.

6. In the facts and circumstances as enumerated hereabove, particularly when it is evidently clear that the petitioner seems to have misused the concession of bail granted to him in the other criminal case, which stands registered against him, he does not deserve the extraordinary concession of anticipatory bail.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**December 22<sup>nd</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No