

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3275 of 2024
Date of decision: 25th January, 2024

Jaswinder Singh @ Nikkri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mandeep K. Dhot, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.24 dated 16.04.2022 under Sections 323, 395, 511 of the IPC and Sections 25, 54, 59 of the Arms Act, 1959 (Sections 379-B, 120-B IPC added later on) registered at Police Station City Raikot, District Ludhiana Rural.

2. Learned counsel inter alia contends that a false and fabricated case has been planted upon the petitioner on the basis of a disclosure statement allegedly suffered by co-accused, who disclosed that the petitioner was also present with him at the time of alleged occurrence. Learned counsel submits that such disclosure statement does not have much evidentiary value. It has also been submitted that the assailants had covered their faces and hence, it adds a big question mark to the version put forth by the prosecution.

3. Notice of motion.

4. Mr. Mohit Kapoor, Addl. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State. While opposing the prayer and submissions made by the counsel opposite, learned State

counsel, on instructions, has submitted that the petitioner has not approached this Court with clean hands as it has been withheld from this Court that the petitioner is involved in another case of similar nature. It has also been submitted that merely because the assailants were masked, it would not enure to the benefit of the petitioner at this stage, because it is not the case of the prosecution that the petitioner was straightaway made an accused in the case in hand. It has been submitted that the petitioner’s role in the crime in question came to be revealed in the disclosure statement allegedly suffered by the co-accused. It has still further been submitted that the co-accused inflicted injuries with lethal weapons on the person of the complainant at the time of alleged occurrence.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove, coupled with the criminal antecedents of the petitioner, which have been withheld from this Court, he does not deserve the extraordinary concession of anticipatory bail. The petition stands dismissed.

7. 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.

(MANJARI NEHRU KAUL)
JUDGE

January 25, 2024
rps

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