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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11470-2024(O&M)

Date of Decision: 12.03.2024

SUKHCHAIN SINGH ALIAS PINTU

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagdish Singh Mahal, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.190 dated 11.08.2022, under Section 379B, 34 IPC (Section 411 IPC added later on), registered at Police Station Shahkot, District Jalandhar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody from 22.08.2022 which is more than 1 year and 6 months and the complainant namely, Nirmal Singh has been examined who has not identified the petitioner and has been declared as hostile. He submitted that as per allegations the petitioner alongwith some other persons had looted the petrol pump early in the morning and an amount of Rs. 33,000/- was taken out from the pocket of the Salesman. He submitted that since the complainant himself has turned hostile, the petitioner deserves the concession of regular.

3. On the other hand, Mr. Adeshwar Singh Pannu, learned AAG, Punjab has submitted on instructions from ASI Jagdev Singh that although the petitioner is in custody from 22.08.2022 which is more than 1 year and 6 months and the complainant has been examined who has not identified the petitioner but as per the allegations, the petitioner alongwith 5 more unknown persons had attacked the petrol pump of the complainant early in the morning and looted an amount of Rs. 33,000/- and also used dandas for the aforesaid incident for catching hold of two Salesman. He submitted that though the complainant who is owner of the petrol pump did not support the prosecution version by not identifying the petitioner but the remaining eye witnesses including the Salesman from whom the money was looted have not been examined till date and those are the material witnesses. He also submitted that the petitioner is a habitual offender and is involved in as many as five more cases of similar nature. He submitted on instructions that there is a strong apprehension that in case the petitioner is released on bail, then he may abscond or flee from justice and may also influence the remaining witnesses. He submitted that there is a strong apprehension that the petitioner may repeat the offence considering the fact that he is a habitual offender.

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

5. The present is a second petition filed by the petitioner. Earlier he had withdrawn his bail petition on 17.07.2023 and as per the counsel for the parties, the petitioner has faced incarceration for more than 1 ½ years and the complainant stands examined. The complainant is stated to be the owner of the petrol pump which was looted early in the morning at 2.20 a.m wherein the allegations were that the petitioner alongwith 5 more

persons had come to the petrol pump and beaten up the Salesman from whom they snatched an amount of Rs. 33,000/-. The mere fact that the complainant at the time of deposition has not identified the petitioner and has been declared hostile itself cannot become a ground for grant of bail to the petitioner because other relevant factors are also to be seen for the purpose of consideration for grant of bail. The objection taken by the learned State counsel that the remaining material witnesses are yet to be examined and there is a strong apprehension that the petitioner may influence the aforesaid witnesses cannot be ignored. Another objection taken by the learned State counsel that considering the background of the petitioner wherein he is involved in as many as five more cases of similar nature, there is a likelihood that he may not only abscond but may even repeat the offence also cannot be ignored and carries weight.

6. Therefore, considering the totality and circumstances of the present case and considering the gravity of the offence involved, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.03.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No