



CRM-M-18457-2024

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

CRM-M-18457-2024
Decided on : 01.08.2024

Gursewak Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S.Dhaliwal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.139 dated 10.06.2020 under Sections 380, 392, 482 IPC registered at Police Station Adampur District Jalandhar.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner; despite the fact that the petitioner was arrested way back on 12.06.2020, the trial had not yet concluded. Hence, the petitioner could not be made to incarcerate for an indefinite period to await the conclusion of the trial.

On the last date of hearing, since it had been brought to the notice of this Court that the trial had been unnecessarily prolonged, State counsel had been directed to verify the status of the case and also the criminal antecedents of the petitioner.

3. Learned State counsel has, on instructions, reiterated the



submissions made on the last date of hearing qua which learned counsel for the petitioner had feigned ignorance that the petitioner is a man of criminal antecedents. It has been submitted by the learned State counsel that the petitioner stands convicted in three out of the five criminal cases registered against him; he is a habitual offender, who has been committing crimes, including day-light robbery etc. as and when he has been enlarged on bail in the other criminal cases pending against him. Learned State counsel has also drawn the attention of this Court to the allegations levelled in the present FIR, which has been annexed as Annexure P-1, by submitting that the petitioner along with the co-accused had administered intoxicants to one Baba Mahant Tarsem Singh and thereafter committed robbery at his dera, which included theft of not only cash but also his car, fire-arm and cartridges. Learned State counsel, on further instructions, has submitted that the delay in conclusion of the trial has been on account of one of the co-accused Pardeep Kumar @ Bajrangi Singh absconding during trial and subsequently being also declared a proclaimed offender on 19.04.2024. Learned State counsel has still further asserted that there is every likelihood, keeping in view the criminal antecedents of the petitioner, that he could also abscond, in case, he is granted the concession of bail or even intimidate the witnesses. It has also been submitted by the learned State counsel that there is every likelihood that the prosecution would be moving an appropriate application under Section 317(2) of the Cr.PC before the trial Court for segregating the trial qua the petitioner in view of the trial coming to a stand-still on



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account of one of the co-accused having been declared a proclaimed offender.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. A perusal of the FIR (Annexure P-1) clearly reveals that the petitioner, who admittedly has criminal antecedents, along with the co-accused is involved in a serious and heinous offence. It is *prima facie* evident that he is a habitual offender.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant 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.

8. However, keeping in view the long incarceration of the petitioner, Trial Court is directed to expedite the trial; if any application under Section 241 of Bharatiya Nagarik Suraksha Sanhita, 2023 is moved, the same be decided at the earliest and the trial be concluded expeditiously.

01.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No