

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

(242)

**2024:PHHC:005911
CRM-M-47968-2023
Date of Decision: 16.01.2024**

Kamal Kumar @ Vicky

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ramnish Puri, Advocate for petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.45 dated 16.03.2022 under Sections 457, 380 IPC (Sections 212, 216, 411, 414, 201, 34 IPC added later on) and Section 25 of Arms Act (added later on) registered at Police Station Majitha Road, District Amritsar.

2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner on the allegations that he along with co-accused after entering the house of the complainant in the wee hours of 16.03.2022 committed theft of various household articles as well as cash in the sum of Rs.5,50,000/-. Counsel submits that the allegations levelled in the FIR in question are false and fabricated. It has been further submitted that after petitioner was arrested on 19.03.2022 challan was presented on 16.05.2022 and thereafter charges were framed on 25.01.2023, however, prosecution evidence was still underway and there was no likelihood of the trial concluding in the near future as 21 prosecution witnesses still remain to be examined. A prayer has therefore been made that on account of the long incarceration of the

petitioner, he be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn attention of this Court to the allegations levelled in the FIR which have been annexed as Annexure P-1. State counsel has reiterated the allegations levelled against the petitioner in the FIR in question and has further placed on record custody certificate of the petitioner. It has been submitted that perusal of the custody certificate clearly indicates that the petitioner is a man of criminal antecedents as he is involved in a number of cases ranging from offences under the Excise Act and various offences under the Indian Penal Code including offence under Section 399 IPC. It has been submitted that some of the previous offences had been committed by the petitioner after he had been enlarged on bail in the other cases registered against him, and hence there was every possibility that in case petitioner was yet again extended a similar concession of bail, he could be involved in some more criminal cases.

4. Learned State counsel on instructions has also informed the Court that the trial has been proceeding at a reasonable good pace and in all likelihood it would not take much time to conclude.

5. I have heard learned counsel for the parties and perused the relevant material on record including the custody certificate of the petitioner.

6. The petitioner prima facie comes across as a man of criminal antecedents. A perusal of the custody certificate leaves no manner of doubt that he has on earlier occasions misused the concession of bail which had been granted to him; after being released on bail in other criminal

cases, he had yet again been involved in criminal activities.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it appropriate to extend concession of bail to the petitioner. Accordingly, present petition is 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.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2024

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No