

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56530-2022(O&M)
Date of decision: 18.03.2024

Gursewak Singh @ Sewak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr.P.C. for grant of bail pending trial to petitioner in FIR No. 133 dated 12.06.2022, under Sections 394, 324, 323 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') (Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985) & Sections 212,216 of IPC added later on), registered at Police Station, City Sri Muktsar Sahib.

(2) Status report dated 18.03.2024 by way of affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division, District Sri Muktsar Sahib has been filed in Court, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

(3) Allegations are that petitioner along with other co-accused snatched bag of the complainant-Hardesh Kumar and caused injuries to him by giving *kappa*, *stick* and *kirch* blows on the person of complainant.

(4) Contends that petitioner has been falsely implicated in the present case only on the basis of suspicion and alleged recovery is planted one. Further contends that no specific role is attributed to the petitioner and other similarly situated co-accused has been granted the concession of bail pending trial by this Court vide

order dated 18.11.2022(P-3). Also submitted that co-accused-Sukhwinder Singh & Manjit Singh have been released on bail pending trial vide orders dated 05.05.2023 and 24.05.2023 in CRM-M-3944-2023 and CRM-M-11203-2023 respectively.

(5) *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner and submits that challan has been presented on 09.08.2022 and trial is stated to be pending for 28.03.2024 and in case, he is granted bail by this Court, there is every likelihood that he will misuse the concession of bail and hamper the trial. He further submits that petitioner is involved in numerous cases and is a habitual offender. Again submitted that petitioner has already been convicted in three cases bearing FIR No. 244 dated 04.10.2009, Under Sections 307, 393, 394, 34 IPC at PS City Sri Muktsar Sahib; FIR No. 124/2014 under Sections 457, 380 IPC at PS City Sri Muktsar Sahib and FIR No. 126/2014 under Section 22 of NDPS Act at PS City Muktsar Sahib and in another FIR No. 86/2014 under Sections 457, 380, 201 IPC at PS City Muktsar Sahib, trial is going on.

(6) Heard learned counsel for both sides and perused the paper book.

(7) Perusal of the status report reveals that petitioner was involved in 04 other cases out of which he was convicted in 03 cases and in 01 case, trial is stated to be pending. Details of the cases against the petitioner are as under:-

Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	244 dated 04.10.2009	307, 393, 394, 34 IPC	City Sri Muktsar Sahib	Convicted
2.	124/2014	457, 380 IPC	City Sri Muktsar Sahib	Convicted
3.	86/2014	457, 380, 201 IPC	City Sri Muktsar Sahib	Trial is going on
4.	126/2014	22 of NDPS Act	City Sri Muktsar Sahib	Convicted

(8) Allegations are that petitioner alongwith co-accused committed robbery and snatched Rs. 1,80,000/- from the victim. Further alleged that petitioner caused injuries to the victim with *kappa* and which was recovered from the

petitioner during investigation. All the injuries on the person of the victim caused with kappa, are attributed to the petitioner; thus, he actively participated in the commission of crime. Apart that, as noticed above, petitioner is a habitual offender and he already stands convicted in 03 cases, therefore, this Court is not inclined to grant him bail pending trial, at this stage.

(9) Even petitioner cannot claim parity with co-accused -Raj Kumar, who allegedly gave shelter and harboured petitioner as well as his co-accused. Likewise, case of petitioner cannot be at par with co-accused-Sukwinder Singh and Manjit Singh in view of the fact that all the injuries suffered by the victim are attributed to the petitioner.

(10) Consequently, this Court has no option but to dismiss the present petition.

(11) Ordered accordingly.

(12) The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.

(13) Pending application(s), if any, shall also stand disposed off.

18.03.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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