

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-59834-2023

Date of decision: 11.03.2024

Sandeep Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Veneet Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.163 dated 22.09.2023 under Sections 457, 380, 427 of the IPC, registered at Police Station Majitha, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia asserts that the petitioner has been falsely implicated in the instant case, for allegedly committing theft of insecticides, medicines, cash amounting to approximately Rs.15,000/- and other items from the shop of the complainant. While drawing the attention of this Court to the allegations levelled in the FIR which has been annexed with the petition, learned counsel for the petitioner has further emphasized that he was not initially named in the FIR, which was registered against unknown persons; as per the case of the prosecution itself, the

involvement of the petitioner surfaced only after the commission of the crime, primarily based on the mobile phone location of the petitioner being in close proximity to the place of occurrence. Learned counsel has in addition also submitted that since no stolen items are required to be effected from the petitioner, his custodial interrogation in the present case would not be required and would also serve no useful purpose.

3. On a pointed query put to the learned counsel for the petitioner qua his antecedents, he has submitted that as per instructions there is only one criminal case pending against the petitioner.

4. Per contra, learned counsel for the State assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite by contending that a specific secret information was received qua the involvement of the petitioner in the crime in question, and thereafter the articles stolen were recovered from a vehicle which was found parked near his house. Furthermore, it has been submitted that the petitioner committed the present offence while out on bail in another criminal case and hence, it was evident that he had misused the said concession of bail. It has also been highlighted that the petitioner is a man of criminal antecedents as he is involved in three other cases including cases under the NDPS Act. Learned counsel for the State has vehemently prayed for dismissal of the present petition in view of the allegations levelled against the petitioner coupled with his criminal antecedents for which the custodial interrogation of the petitioner would be required to ascertain the entire modus operandi

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

6. There are specific and serious allegations levelled against the petitioner who comes across as a habitual offender. Prima facie it is evident that the petitioner has misused the concession of bail which had been granted to him in the other criminal cases which stand registered against him. This Court does not deem it fit, in the aforementioned facts and circumstances, to extend the extraordinary concession of anticipatory bail to the petitioner.

7. Accordingly, the instant petition is hereby 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.

11.03.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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