

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6640-2024

I.

Resham Singh @ Mota

.....Petitioner

Vs.

State of Punjab

.....Respondent

II.

Harjinder Singh @ Harjinder Singh Bhatti

CRM-M-62714-2023

.....Petitioner

Vs.

State of Punjab

.....Respondent

Reserved On.: 05.03.2024
Pronounced On: 07.03.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr. Madhur Sharma, DAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439 Cr.P.C., petitioners pray for their release on regular bail in case FIR No.0009 dated 21.01.2022 under Sections 457, 380, 427 of the IPC {Sections 395 & 398 of the IPC & Sections 25 of Arms Act (Act N: 54 of 1959) added later on] registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. FIR was lodged on the complaint of Sanjay Kumar, the Manager of Punjab National Bank, Lubanian wali, District Sri Muktsar Sahib, as per which, as he came to the bank on 21.01.2022 at about 09:30 a.m., he found the locks of the gate in front of the bank as broken. The shutter of the bank's gate

had been opened by cutting it. As he went inside, he found everything in the bank lying scattered. Wires of the batteries had been cut. He found 05 monitors, 03 batteries, 01 CPU, 01 electronic stove and 01 room heater to be missing. Attempt was also made to break the safe houses of the bank. When he enquired from the security guards of a nearby thread factory, they told that at about 03:00 a.m., an unknown un-numbered Verna car was standing in front of the bank and 4-5 persons were standing near the car, who had taken away the stolen articles on the night intervening 20/21.01.2022.

3. FIR was registered. During investigation a police team intercepted Verna car bearing No.UP-16-BB-9399 along with motorcycle and apprehended the persons therein, who were petitioner Harjinder Singh @ Harjinder Singh Bhatti (*petitioner in CRM-M-62714-2023*) and Resham Singh @ Mota (*petitioner in CRM-M-6640-2024*), Vipal Singh @ Vipam Singh @ Vipam Butter, Mithun Buttar @ Nikka, Sewa Singh and Sukhmander Singh. Resham Singh was armed with a *kirpan*. The police recovered one inverter battery, four LCD computers, one CPU, one gas cylinder and a welding machine. The search of Vipam Singh also led to the recovery of illegal country-made pistol. Sections 395, 398 of the IPC & Section 25 Arms Act were also added. After conducting necessary investigation final report under Section 173 Cr.P.C. has already been filed.

4. It is contended by learned counsel for both the petitioners that both of them are in custody for the last more than 02 years 01 month; that similarly placed co-accused Sewa Singh and Vipam Singh have already been allowed bail by a co-ordinate Bench of this Court, though their custody period was less than that of the petitioners. Learned counsels further contend that trial

is likely to take long time and so, they be allowed regular bail.

5. Strongly opposing the bail petition, learned State counsel drawn attention towards the gravity of the offence. Learned State counsel also submits that petitioner Resham Singh was involved in three more cases as per details given in para No.7 of the status report, though he has been acquitted in all those cases. Petitioner Harjinder Singh @ Harjinder Singh Bhatti is stated to be involved in as many as 12 other cases as per details given in para No.7 of the status report, out of which he has been convicted in as many as four cases. Prayer is made for rejecting the petitions.

6. I have considered submissions of both the sides and have perused the record carefully.

7. It is not disputed by learned State counsel that case of the petitioners is on same footing as that of co-accused Sewa Singh, Sukhmander Singh and Vipam Singh.

8. It is revealed that co-accused Sewa Singh was allowed bail by a co-ordinate Bench of this Court vide order dated 15.11.2023 passed in CRM-M-56062-2023 after noticing that he was in custody for more than 01 year and 09 months and that though he was involved in one more case but had already been acquitted therein.

9. Another co-accused Sukhmander Singh was allowed bail by a co-ordinate Bench of this Court vide order dated 01.12.2023 passed in CRM-M-59335-2023 (O&M) after noticing that he was in custody for the last 01 year and 10 months and his case was on parity with co-accused Sewa Singh.

10. Another co-accused Vipal Singh @ Vipam Singh @ Vipam Butter was allowed bail by a co-ordinate Bench of this Court vide order dated

15.12.2023 passed in CRM-M-61843-2023 after noticing that he was in custody for more than 01 year and 10 months and his case was on parity with co-accused Sewa Singh and Sukhmander Singh. It was also noticed that said Vipal Singh @ Vipan Singh @ Vipan Butter was also involved in two more cases, which were subject to trial.

11. Petitioner Resham Singh is in custody for the last 02 year 01 month and 07 days, as per the custody certificate. Though he was involved in 03 more cases but has already been acquitted in all those cases. As such, the case of petitioner Resham Singh is on parity with co-accused Sewa Singh, Sukhmander Singh and Vipal Singh @ Vipan Singh @ Vipan Butter and therefore, without commenting anything further on the merits of the case, said petitioner Resham Singh (*in CRM-M-6640-2024*) is admitted to regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. As such, petition bearing No.CRM-M-6640-2024 *qua* petitioner Resham Singh @ Mota is hereby allowed.

12. As far as, petitioner Harjinder Singh @ Harjinder Singh Bhatti is concerned, his case is on different footing. Although, as far as facts of the present case are concerned, he is on parity with the co-accused but he is a previous convict in numerous cases. The details as provided in para No.7 of the status report would reveal that petitioner Harjinder Singh @ Harjinder Singh Bhatti has been convicted in the following cases:-

- i. FIR No.84 dated 06.12.2012 registered under Section 61/1/14 of Excise Act registered at Police Station Sadiq.
- ii. FIR No.106 dated 07.12.2012 registered under Section 18/61/85 of NDPS Act registered at Police Station Sadar, Faridkot.

- iii. FIR No.77 dated 08.07.2014 registered under Sections 376, 452, 506, 34 of the IPC & Section 25 of Arms Act registered ta Police Station Sadar, Faridkot.
- iv. FIR No.56 dated 11.04.2019 registered under Section21-65-85 of NDPS Act registered at Police Station Sadar, Faridkot.

Apart from above, he is under-trial in two cases and was acquitted in as many as six cases.

13. The custody certificate reveals that in case FIR No.77 dated 08.07.2014, the conviction of the petitioner Harjinder Singh @ Harjinder Singh was recorded under Section 6 of The Protection of Children from Sexual Offences, 2012, apart from the other provisions of the IPC and he was sentenced to undergo rigorous imprisonment for a period of 10 years. In an NDPS matter arising out of FIR No.106 dated 07.12.2012, he was sentenced to undergo rigorous imprisonment for a period of 04 years.

14. Having regard to all the aforesaid facts and circumstances and more particularly the criminal antecedents of petitioner Harjinder Singh @ Harjinder Singh Bhatti, but without commenting anything further on the merits of the case, this Court is not inclined to grant regular bail to said petitioner. As such, petition bearing No.CRM-M-62714-2023 *qua* petitioner Harjinder Singh @ Harjinder Singh Bhatti, is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

March 07, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No