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Tej Singh Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Mar-09-2009

Reported in : RLW2009(4)Raj3002

Judge : Mahesh Bhagwati, J.

Appellant : Tej Singh

Respondent : State of Rajasthan

Disposition : Petition dismissed

Judgement :

Mahesh Bhagwati, J.

1. This order governs the disposal of second bail application filed under Section 439 of Cr.P.C. by Mr. Sunil Kumar Singodiya Advocate on behalf of the applicant Tej Singh Pertaining to F.I.R. No. 163/08 of police station Roopwas, District Bharatpur in the offences under Section 379, 411 of IPC and Section 3 of P.D.P.P. Act.

2. Heard the learned Counsel for the petitioner as also the learned Public Prosecutor for the State and perused the material on record.

3. Learned Counsel for the petitioner has contended that the co-accused persons namely Bishan Singh, Diwal Singh, Wall Singh, Sonu @ sonaram and Jagan

Singh have already been enlarged on bail by the learned Additional Sessions Judge, No. 2, Bayana, District Bharatpur. The case of the petitioner is similar to those of the co-accused persons and on the ground of parity, the petitioner also deserves bail. Learned Counsel has further canvassed that the co-accused persons were also facing trial in more than one criminal cases. The same case is of the present petitioner. Learned Additional Sessions Judge having adopted discriminatory attitude granted bail to the co-accused persons namely Bishan Singh, Diwal Singh and others whereas, dismissed the bail petition filed on behalf of the petitioner and thus he also deserves bail. The third argument advanced by the learned Counsel for the petitioner is that the petitioner Tej Singh has already been enlarged on bail in two criminal cases by the co-ordinate Bench, as such in other cases pending before this Court, the petitioner should be meted out the same' treatment.

4. Learned Public Prosecutor has vehemently opposed the bail petition primarily on the ground that he has been facing investigation and trial in more than one criminal cases. He seems to be habitual offender and as such, his bail may be dismissed.

5. Having reflected over the submissions made at the bar and carefully scanned the relevant material available on record including the bail order dated 21.01.2009 rendered by learned Additional Sessions Judge, No. 2, Bayana, District Bharatpur, it is noticed that apart these five criminal cases, the petitioner has been facing investigation and trial in cases No. 265/08 State v. Jagan and Ors.; 272/08 State v. Jagan and Ors.; 273/08 State v. Jagan and Ors. in the offence under Section 379 of IPC as also Section 3 (three) P.D.P.P. Act; 259/08 State v. Baal Singh and Ors.; 258/08 State v. Tej Singh and Ors.; 270/08 State v. Tej Singh and Ors. and 271/08 State v. Jagan and Ors. registered in the offence under Section 379 of IPC and Section 3 of P.D.P.P. Act. All these cases seem to have pertained to of alike offences. There are many other criminal matters pending against him with regard to theft of electric wires. It is not that the antecedents of the petitioner are unblemished. He is found to be a habitual offender. Unequivocally and undeniably the case of the petitioner is found to be totally different from the case of the co-accused persons. I do not find any force in the arguments of the learned Counsel

for the petitioner that on the ground of parity the petitioner also deserves to be released on bail as the co-accused persons have already been enlarged on bail by the learned Additional Sessions Judge, No. 2, Bayana. I am of the firm view that if the accused is found to be involved in more than one criminal cases of alike nature then he cannot be granted bail to commit one more offence while abusing liberty of bail. In the present times when the spate of the commission of theft has alarmingly increased and the offences of vehicle lifting is on rise posing a threat to the society and in case, the accused is found to have committed theft in eight cases, 1 am of the firm conviction that the accused cannot be enlarged on bail to commit ninth offence of theft while abusing the liberty of the bail. The petitioner has no case to get the bail in the instance case. I without expressing any opinion on the merits of the case but keeping in view his antecedents, do not feel inclined to grant indulgence of bail to the petitioner and the petition filed on his behalf deserves to be dismissed.

6. In the result, the second bail petition filed under Section 439 of Cr.P.C. on behalf of the accused-petitioner Tej Singh stands dismissed.

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