

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

Crl.Misc.No.M-14470 of 2015(O&M)

Date of Decision : 20.05.2015

Rakesh

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Amit Choudhary, Advocate for the petitioner

Mr. Pawan Girdhar, Addl. AG, Haryana with
Mr. Himmat Singh ,AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no. 16 dated 17.1.2015 registered under Sections 20, 61, 85 of NDPS Act and Sections 25, 54, 59 of Arms Act at Police Station Bhupani Faridabad, District Faridabad.

The petitioner would contend that he was not arrested from the spot and the case against him is false. He has further contended that there is no other case against him under NDPS Act.

The respondents have furnished information to the Court that the petitioner is involved in as many as 12 cases out of which 11 are under the Excise Act and one under Sections 363, 366 IPC.

On due consideration of the matter and noticing the fact that the petitioner is also involved in many other cases including the one under Arms Act in the present FIR and his being in conflict with law repeatedly with one case under Section 363, 366 IPC would disentitle him to the grant of benefit of pre-arrest bail under Section 438 Cr.P.C. At this stage his

antecedents would disentitle him to any presumption of false implication and thus indulgence under Section 438 Cr.P.C.

Hence, instant petition is hereby dismissed, however with liberty that in case the petitioner surrenders himself before the Trial Court and makes an application for regular bail in terms of Section 439 Cr.P.C, the same shall be considered and decided considering the fact that his co-accused have been granted the similar benefit.

Nothing said herein shall be construed to be an expression on the merits of the case.

May 20, 2015
rekha

(Mahesh Grover)
Judge