

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

CRM-M-22064-2015

Date of Decision: 14.08.2015

Pankaj Budhwar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.66 dated 12.03.2014 under Sections 307, 323, 452, 34 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Shivaji Colony, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that whosoever was examined by the prosecution, has turned hostile. He also submits that since the material witnesses have not supported the prosecution version, petitioner is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Jasmer Singh, Police Station Shivaji Colony, District Rohtak, submits that petitioner has been found involved in as many as 16 other FIRs, in addition to the present one. He further submits that although the petitioner has been acquitted in most of other cases, yet his involvement in as many as 17 cases would show that he is a professional and habitual

offender. So far as the present case is concerned, he submits that very strong circumstantial evidence is there against the petitioner, which can be made a basis for his conviction. Further, since out of 28 witnesses, 16 PWs have already been examined and 06 witnesses have been summoned for today, before the learned trial Court, trial is also near conclusion, because of which the petitioner is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in the totality of facts and circumstances of the case, petitioner has not been found entitled for bail pending trial. It is so said because involvement of the petitioner in as many as 17 total cases would prima facie show that he is a habitual offender, which does not entitle him for bail pending trial.

At this stage, learned counsel for the petitioner seeks permission of the Court to withdraw the present petition.

Permission is granted.

Dismissed as withdrawn.

[RAMESHWAR SINGH MALIK]
JUDGE

14.08.2015
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