

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-31637-2015
Date of decision:24.9.2015

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Pawan Kumar, Sr. Advocate with
Mr.Abhimanyu Batra, Advocate for the petitioner.

Mr.Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.692 dated 2.9.2015 registered under Sections 406, 420, 506 and 34 of the Indian Penal Code at Police Station City Jind.

Notice of motion was issued.

Learned senior counsel for the petitioner submits that petitioner had no role to play in the present case. He only happens to be brother-in-law of Smt. Sunita, who is wife of Sh.Naresh Kumar-brother of the petitioner. He further submits that there is no allegation against the petitioner for the offences under Sections 406 and 420 IPC. The only allegation against the petitioner, if at all, would be under Section 506 read with Section 34 IPC. In such a situation, learned senior counsel for the petitioner submits that custodial interrogation of the petitioner would not be required. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from ASI Surender Kumar, Police Station City Jind, submits that petitioner

is facing as many as three more criminal cases apart from the present FIR. Earlier to that, petitioner has been acquitted in two criminal cases. He further submits that pistol is to be recovered from the petitioner and for that purpose his custodial interrogation would be required, besides to know about the *modus operandi* adopted by the petitioner for committing the offence in question. Endorsing the arguments raised by the learned counsel for the State, learned counsel for the complainant also seeks dismissal of the present petition.

Having heard the learned senior counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for pre-arrest bail. It is so said because the allegations against the petitioner are direct and serious. Petitioner is also having a criminal background, as he is facing at least three more criminal trials, besides having been acquitted in two criminal cases and the present one is sixth in a row. In such a situation, custodial interrogation of the petitioner will be the compulsive necessity of the investigating agency.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

24.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE