

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

260

CRM-M-34495 of 2015

Decided on : 07.12.2015

Shamshad

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MRS.JUSTICE DAYA CHAUDHARY

Present : Mr.R.S.Kundu, Advocate
for the petitioner.
Mr.Vikas Malik, DAG (Haryana)

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 438, Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.233 dated 05.07.2015 under Section 379 IPC, registered at Police Station Civil Lines Sonipat, District Sonipat.

While issuing notice of motion on 16.10.2015, the following order was passed by this Court:-

“Learned counsel for the petitioner contends that the petitioner has been implicated in this case only on the basis of disclosure statement made by co-accused Irshad, who has already been released on regular bail by the lower Court. Nothing is to be recovered from the petitioner and he is ready to join investigation. Learned counsel further submits that although it is mentioned in the order passed by the lower Court that many cases are pending against the petitioner but he has not prayed for bail in any other case.

Notice of motion for 7.12.2015.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as

and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

- (i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;
 - (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - (iii) that the petitioner shall not leave India without the prior permission of the Court.
- Investigating Officer is also directed to verify regarding pendency of other cases, if any and status of the same before the next date of hearing.”

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case only on the basis of disclosure statement made by co-accused Irshad, who has already been released on regular bail by the lower Court and nothing is to be recovered from the petitioner.

Learned State counsel on instructions from Head-constable Dharamvir Singh submits that eight cases of similar nature are pending against the petitioner whereas learned counsel for the petitioner submits that the petitioner is on bail. The details in those cases are reproduced as under:-

1. FIR No.230 dt. 30.06.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
2. FIR No.118 dt. 15.04.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
3. FIR No.126 dt. 14.04.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
4. FIR No.200 dt. 19.06.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
5. FIR No.249 dt. 13.07.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
6. FIR No.233 dt. 05.07.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.

7. FIR No.256 dt. 18.07.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
8. FIR No.203 dt. 19.06.2015 under Section 379 IPC at Police Station Civil Lines, Sonipat.
9. FIR No.563 dt. 01.05.2011 under Section 309 IPC at Police Station City, Panipat.
10. FIR No.258 dt. 22.07.2015 under Section 309 IPC at Police Station Civil Lines, Sonipat

In view of the submissions made by learned counsel for the petitioner and keeping in view the number of cases registered against the petitioner, the petitioner is not entitled for extra-ordinary concession of Section 438, Cr.P.C.

The petition is, therefore, dismissed.

However, in case the petitioner surrenders before the trial Court, and moves an application for regular bail, the trial Court is directed to decide the same within a period of one week in accordance with law.

[Daya Chaudhary]
Judge

07.12.2015
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