

CRM-M-18589 of 2016 (O&M)

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

**CRM-M-18589 of 2016 (O&M).
Date of Decision: August 9, 2016.**

Asloop

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Mohammad Arshad, Advocate,
for the petitioner.**

Mr.Vikas Malik, DAG., Haryana.

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Amin alleging that on 15.10.2014, on the assembly election day, they had not voted for the candidate of the accused, as such, they were threatened by Chahat, Sikra, Hazar Khan along with petitioner and 10-15 other persons. On 16.10.2014, the above said persons again attacked the complainant when he had gone to the house of Yasin. Petitioner is also specifically named to have attacked the complainant along with 10-15 people besides causing injuries to Bano wife of Yasin as a result of which she died.

Notice to the Advocate General, Haryana.

On asking of the Court, notice has been accepted by

Mr.Vikas Malik, DAG., Haryana, present in the Court. Copy given.

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Counsel for the petitioner has contended that no specific injury has been attributed to the petitioner and that he has been declared a proclaimed offender only during the pendency of his petition under Section 438 Cr.,P.C. before the Sessions Court on 3.5.2016.

I have heard the learned counsel for the petitioner and gone through the allegations against the petitioner and perused the police file. No doubt, it is a case of cross FIR registered against the complainant also on account of cross fire but so far as petitioner is concerned, he has been named by the complainant to have actively participated as a member of unlawful assembly.

Counsel for the petitioner submits that PW.3 has already put in appearance after presentation of challan and has not named the petitioner while appearing as a witness.

State counsel, on the basis of the police record, on the instructions of ASI Jaan Mohammad, informs that there are 5-6 other PWs who are the eye witnesses. They have named the petitioner in their statements and are yet to be examined in the Court.

I have considered the facts and circumstances of the case. The petitioner along with 13 other persons has been declared proclaimed offenders. The challan has been presented against five accused who could be arrested. It is a case where there are specific allegations against the petitioner and others of having participated in the act of beating of the deceased and complainant as a member of an unlawful assembly. The FIR in the present case was registered on

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16.10.2014. The petitioner has been able to evade the process of law for a period of more than 1½ years. It will not be appropriate for this Court to enter into the niceties of the trial by appreciating the evidence to determine the complicity of the petitioner. The petitioner may have a good ground to be released on regular bail but no extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner as he along with 12-13 other people have been able to hoodwink the process of law.

The petition is dismissed.

Nothing mentioned in this order will prejudice the right of the petitioner to seek concession of regular bail by surrendering himself before the area Magistrate or the investigating officer. In case of petitioner doing so within a period of one month, the Court of competent jurisdiction is expected to decide the application for regular bail of the petitioner within a period of 3 to 4 days.

(M.M.S. BEDI)
JUDGE

August 9, 2016.
rka

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No