

CRM-M-30893 of 2016

[1]

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

Sr. No. 211

CRM No.M-30893 of 2016

Date of decision: September 14, 2016

Anand

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 439 of the Code of Criminal Procedure, the petitioner has sought the concession of bail, in case bearing FIR No.168, dated April 30, 2012, under Sections 307/34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Assandh, District Karnal, during the pendency of the trial.

2. The contention of learned counsel for the petitioner is that the petitioner is innocent and falsely implicated in the instant case. The petitioner is close relative of the previous husband of the complainant and is known to the complainant and had the petitioner been there at the time of alleged incident, then the complainant would have mentioned his name at the first instance. A bare perusal of FIR depicts that shot was fired by one

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Sanjay and the petitioner was nowhere in picture, but later on, complainant changed her stand with some material motive and implicated the petitioner. The petitioner had earlier approached this court vide CRM No.M-37205 of 2012 for grant of bail, which was allowed vide order dated May 23, 2013.

3. Learned counsel for the petitioner further submits that due to his false implication in case bearing FIR No.541, dated October 24, 2013, under Sections 302, 34, 393, 120-B and Section 25 of the Arms Act, 1959, registered at Police Station Assandh, he could not appear before the trial court in the instant case on October 28, 2013. However, later on, he was declared proclaimed offender. The petitioner is suffering incarceration since the date of his arrest i.e. April 21, 2015. The absence of the petitioner on October 28, 2013, was only due to sole reason that he was falsely implicated in another murder case registered at Police Station Assandh, District Karnal, in which he has already been acquitted vide judgment dated February 17, 2016. The petitioner undertakes not to repeat his mistake with regard to his absence as well as to abide by all the terms & conditions imposed upon by this court in case he is granted the concession of bail.

4. On the other hand, learned State counsel has opposed the bail that in case petitioner is granted the concession of bail, he is likely to abscond. Earlier, he was granted the concession of bail by this Court, but by committing the violation of terms and conditions of the said order, petitioner did not appear and subsequently, he was declared proclaimed offender with lot of efforts put in by the police he could be arrested. Even, he is also facing the trial in the State of Gujarat, where he was arrested and subsequently on the basis of production of warrant, he was arrested in this

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case.

5. This Court has weighed the rival contentions of both the parties, but find that in view of the seriousness and gravity of the offence as well as registration of other case(s), the petitioner is not entitled to the concession of bail. Otherwise also, the conduct of the petitioner depicts that he is habitual offender and there are some other case(s) also registered against him. Likelihood of the accused being absconded and/or winning over of the prosecution witnesses is there, which can be gathered from the facts and circumstances of the instant case. Thus, this court is of the considered view that no case is made out for grant of bail.

6. Accordingly, instant petition stands dismissed.

September 14, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No