

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

CRM-M-18930 of 2018 (O&M)
Date of decision: May 09, 2018

Masruddin ...Petitioner

Versus

The State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Rakhra, Advocate for the petitioner.
Mr. D.K. Mittal, DAG, Haryana.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 148, 149, 323, 324, 427, 452, 506 IPC, 25/54/59 Arms Act and later on added Section 307 IPC at Police Station Pinangwan, District Mewat, vide FIR No.114 dated 22.05.2017.

FIR was lodged on the statement made by Sahida son of Jumme Khan, with the allegations that on 21.5.2017 at about 5.00 P.M., petitioner alongwith co-accused Jan Mohammed etc. total 23 persons, armed with *Lathies, Dandas, Farsa* and country made pistol etc. reached the house of Aamin and suddenly started beating complainant party. Accused also attacked grocery shop of Hukmu and also damaged shop of Fakru. They also gave beatings to Aabid and Jumme Khan. Allegation against the petitioner is that he attempted to commit murder of Aabid, who suffered eight injuries.

Keeping in view the gravity of offence, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Needless to observe that FIR in question was registered in May, 2017 and the petitioner has evaded the process of law for almost one year. Thus, custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. It is inexplicable why this second petition on the basis of same facts has been preferred, earlier having been dismissed as withdrawn on 01.02.2018, with liberty to surrender before the investigating agency and thereafter move for regular bail. Besides, there appears to be no change of circumstances. The instant petition is, thus, totally frivolous, without any merit and deserves to be dismissed with exemplary costs. While dismissing the petition, petitioner is burdened with Rs.30,000/- as costs. Same be remitted to the High Court employees welfare fund.

(RAJAN GUPTA)
JUDGE

May 09, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No