

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 19829 of 2018 (O&M)

Date of decision : 1.6.2018

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Dinesh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Saleem Ahmad, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Dinesh, an accused in FIR No.663 dated 26.9.2016, for offences under Sections 399, 402 IPC read with Section 25 of the Arms Act, registered at Police Station Faridabad, District Faridabad.

Briefly stated, as per facts and circumstances in accordance with the prosecution version, on 26.9.2016, the local police had received secret information that five young boys, namely, Mannu, Hem Chand, Karan, Khalid and Dinesh, were sitting in a rook behind JD Company, near village Badoli and they might be

possessing weapons. Believing the information to be reliable, the Police Party conducted a raid at the disclosed place. On seeking the police Party, those five boys started running but were nabbed by the police. One of such boys was Mannu s/o Harish Thakur, r/o Likhi Hasanpur, on on being searched was found in possession of a country made pistol of 315 bore, which was in working order, having one live cartridge in the chamber, which he was holding in his right hand. It was an un-licensed weapon. Therefore, it was seized. The second boy was Hem Chander s/o Vikram, who was found to be carrying an iron rod. The third boy disclosed his name as Karan @ Kuku s/o Kamal Jataw r/o Gounchhi, Faridabad and an iron rod was recovered from his possession. Khalid s/o Mohd. Illiyas r/o Jivan Nagar, Faridabad, was found to be carrying an iron pipe in his hands. Dinesh s/o Hare Ram r/o Lidiaka Chandhut, - present petitioner, was found to be carrying a torch battery. All the five boys were arrested in this case.

After completion of investigation and other formalities, they have been sent up to face trial.

Petitioner – Dinesh had moved an application for grant of regular bail to the Court of Sessions, which was dismissed by Additional Sessions Judge, Fariadabad, vide order dated 9.2.2018, as such he has knocked at the door of this Court craving for similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

I find that the petitioner is not entitled to the grant of regular bail. The very fact that the petitioner is named in the FIR and

four of his co-accused were found to be carrying weapons, though he was found to be in possession of torch, goes to show the criminal tendencies on their part. The things are not as simple as being projected by learned counsel for the petitioner. There is not plausible explanation coming as to what the five boys including the petitioner were doing at a secluded place, the petitioner being one of them and his co-accused found carrying fire arms and other dangerous weapons. The petitioner is shown to be involved in three more criminal cases, the details of which are given below:-

1. FIR No. 360/2017, u/s 379 IPC, PS Central, Faridabad.
2. FIR No. 615/2017, dated 10.10.2017 u/s 411 IPC, PS Hodal, Palwal
3. FIR No. 290/2016, u/s 379 IPC, PS NIT, Faridabad.

That goes to show that he has got a criminal past. Not only this, he had been granted interim bail earlier, but he had misused that concession, since he absented from the Court on 28.8.2017. His bail bonds were cancelled and forfeited to the State, besides issuance of warrants of arrest against him. He could not be arrested. Subsequently, he was declared as a proclaimed offender. He had been arrested in some other case, when he was summoned through production warrants. The petitioner, who had jumped bail and had been on run for quite some time, cannot be expected to appear in the Court on each and every date of hearing, if granted regular bail again. There is reasonable apprehension of his absconding and trying to tamper with the prosecution evidence, if granted bail. Thus no ground for grant of regular bail to the petitioner is made out. The petition so

filed by him stands dismissed.

1.6.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No