

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-53622 of 2018

Date of Decision: 11.12.2018

Vijay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of pre-arrest bail to the petitioner in case FIR No.346 dated 19.11.2018 under Section 25 of the NDPS Act registered at Police Station Narwana City, District Jind.

As per the aforesaid FIR, on 19.11.2018, when a police party was patrolling in search of bad elements, it noticed 3-4 boys including the petitioner who was known to one of the police personnel, as there are number of FIRs registered against him and his name is mentioned in the records of bad character persons. They were fighting with each other. They had stopped one car make i20 white colour in between the road and were obstructing the way. The petitioner who was holding a modified rifle in his hand, shot a fire in the air and was threatening the general public. The police party headed by ASI tried to catch hold of the petitioner and his friends, who on seeing the police party, ran away from the spot, leaving

behind their rifle with belt which was having bullets in it and the car. The police party went to the spot and picked up the modified rifle having magazine in it.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the case. It is yet to be ascertained as to whether the rifle in question was of a permitted bore or is a licensed one, for which, the rifle is to be sent to Forensic Laboratory, Madhuban for its analysis. The complainant in the case is an Assistant Sub Inspector and he happened to be the Investigating Officer of the case also. Therefore, fair investigation is not expected. The petitioner has nothing to do with the rifle and he was not even present at the spot.

Having heard learned counsel for the petitioner and considering the submissions made on his behalf, the plea of *alibi* raised on behalf of the petitioner that he was not present at the spot, cannot be accepted at this stage. Even otherwise, learned State counsel has brought to the notice of this Court that 37 cases, including the present one, are reportedly registered against the petitioner. The details so furnished by the petitioner vide Annexure P-5 in CRM-43673-2018 filed in this petition, are sufficient to draw an inference that the petitioner is involved in number of cases, even though he has been acquitted in some cases.

Accordingly, no ground for anticipatory bail is made out.

The petition is dismissed.

December 11, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No