

CRM-M-6113-2018

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

**CRM-M-6113-2018**

**Date of Decision: 19<sup>th</sup> February, 2018**

**Irfan**

...Petitioner

Versus

**State of Haryana**

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Nafees Ahmad Khan, Advocate  
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approach this Court by filing the present petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No.168 dated 22.05.2015, under Sections 395 of the Indian Penal Code, registered at Police Station Hathin, District Palwal.

Petitioner had absented himself from the trial Court on 22.02.2017 and therefore, his bail was cancelled. Proceedings for declaring the petitioner a proclaimed offender were initiated and he was so declared on 14.07.2017 by the trial Court. Petitioner did not surrender before the trial Court. Petitioner was arrested on 14.09.2017 in FIR No.355 dated 14.05.2017, under Sections 398 and 401 of the Indian Penal Code and 25/54/59 of Arms Act. It is, thereafter, the petitioner was produced before the trial Court in pursuance to a production warrant and ultimately, taken into custody on 02.11.2017. An application for grant of regular bail was

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moved by the petitioner which was dismissed by the learned Additional Sessions Judge, Fazilka, on 21.11.2017.

It is the contention of the learned counsel for the petitioner that the petitioner could not appear before the trial Court on the date fixed i.e. 22.02.2017 because of the death of his mother in an accident. Counsel for the petitioner further contends that the name of the petitioner is not mentioned in five other FIRs and he has been falsely implicated in those cases as the same were registered against some unknown persons and in that cases too, the petitioner has been granted the concession of bail.

Counsel for the State, on instructions from HC Bhoj Dutt, Police Hathin, District Palwal, submits that after absconding from the Court, five FIRs have been registered against the petitioner and the details whereof are that (1) FIR No.234 dated 22.06.2017, under Section 380 of IPC, P.S. Hathin, (2) FIR No.242 dated 25.06.2017, under Sections 457 and 380 of IPC, P.S. Hathin, (3) FIR No.254 of 2017, under Sections 457 and 380 of IPC, P.S. Hathin, (4) FIR No.354 of 2017, under Sections 457 and 380 of IPC, P.S. Hathin and (5) FIR No.355 dated 14.05.2017, under Section 398 and 401 of IPC & 25/54/59 of Arms Act, P.S. Hathin. Counsel for the State further submits that the petitioner is a habitual offender and therefore, he may not be allowed the concession of regular bail.

I have heard the learned counsel for both the parties.

The contention of the learned counsel for the petitioner that the petitioner could not appear before the trial Court because of the death of his mother, cannot be accepted in the light of the death certificate of his mother

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appended along with the petition (Annexure P-2), in which, her date of death is mentioned as 11.07.2017 whereas the the petitioner absented himself from the Court on 22.02.2017, which is well before the date of death of his mother. Perusal of the details of five FIRs referred to above would depict that the said FIRs have been registered after the absconding of the petitioner from Court, which clearly shows that the petitioner is a habitual offender and if he is granted the concession of bail in the present case, he will misuse the said concession and again indulge himself in such like offences.

Keeping in view the conduct of the petitioner, no ground for grant of regular bail is made out. The present petition, therefore, stands dismissed.

19<sup>th</sup> February, 2018  
*Harish*

( AUGUSTINE GEORGE MASIH )  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |