

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36871 of 2019

Date of Decision:23.10.2019

Naveen

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lekh Raj Nandal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) seeking bail pending trial in case FIR No.159 dated 12.10.2018, under Sections 186, 307, 332, 34 and 353 of the Indian Penal Code and Section 25 of the Arms Act, 1959 registered at Police Station Rewari Sadar, District Rewari.

As per the prosecution case, the above FIR was registered with the allegations that two boys riding on a motorcycle, were intercepted by the police party and one of them fired at the police, who disclosed his name as Naveen (petitioner), and a country-made pistol was recovered from him. The other co-accused disclosed his name Manish and upon search, a country-made pistol was also recovered from him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is in custody since 12.10.2018. Also contends that co-accused (Manish) has already been

granted the concession of bail by learned trial Court vide order dated 11.04.2019.

Per contra, learned State counsel opposed the bail on the ground that petitioner had caused obstruction and deterred the police officials from discharging their duties and also fired upon them with an intention to kill while crossing the barricade to intercept them on a tip off. On instructions from ASI Yashwant, learned State counsel submits that there are ten other criminal cases pending against the petitioner.

Heard learned counsel for the parties and perused the paper book.

It transpires that there are serious allegations against the petitioner as he has not only caused obstruction and deterred the police officials from discharging their duties but also fired upon them.

Learned State counsel has supplied the list of cases pending against the petitioner and which are as under:-

- “1. FIR No. 159 dated 12.10.2018, under Sections 307, 332, 353, 186 and 34 of the Indian Penal Code and Sections 25, 54 & 59 of the Arms Act, 1959, registered as Police Station Sadar Rewari.*
- 2. FIR No. 185 dated 20.10.2014, under Sections 452, 506 and 34 of the Indian Penal Code and Sections 25, 54 & 59 of the Arms Act, registered at Police Station Lakhan Majra.*
- 3. FIR No.209 dated 15.11.2016, under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, registered at Police Lakhan Majra.*
- 4. FIR No. 12 dated 19.01.2018, under Section 307 of the Indian Penal Code, and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Lakhan Majra.*
- 5. FIR No. 231 dated 26.09.2018, under Section 174-A of the Indian Penal Code registered at Police Station Lakhan Majra.*

- 6. FIR No. 227 of 2016, under Sections 302, 342, 396 of the Indian Penal Code registered at Police Station Singhana, Rajasthan .
- 7. FIR No. 374 dated 31.12.2016, under Section 379 of the Indian Penal Code, registered at Police Station Suratgarh, Rajasthan.
- 8. FIR No.293 dated 04.10.2016, under Sections 457 and 380 of the Indian Penal Code, registered at Police Station Jhunjhunu, Rajasthan.
- 9. FIR No. 258 dated 23.08.2016, under Section 379 of the Indian Penal Code, registered at Police Station Jhunjhunu, Rajasthan.
- 10. FIR No. 3 dated 05.01.2017, under Section 379 of the Indian Penal Code, registered at Police Station Jhunjhunu, Rajasthan.”

In view of the facts and circumstances discussed hereinabove, it is apparently clear that petitioner is facing number of criminal cases including the present one and he is having a criminal background. In the present case also, there are serious allegations against the petitioner and thus, he does not deserve any concession of bail pending trial.

In view of the above, the present petition is hereby dismissed.

The above observation may not be construed as an expression of opinion on merits of the case.

[MAHABIR SINGH SINDHU]
JUDGE

October 23, 2019
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no