

In virtual Court

CRM-M-31471-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31471-2020 (O&M)
Date of decision: 08.10.2020

Kapil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pardeep Goyal, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.165 dated 24.04.2020 under Sections 120-B, 186, 188, 269, 270, 307, 332, 353 IPC, Section 61 of Punjab Excise Act, Section 51 of Disaster Management Act and Section 25 of Arms Act, registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that Isha is in the business of selling illegal liquor and he, after loading the illicit liquor in Safari vehicle, is coming towards Sector-2 from Sohna Road and there is an escort vehicle i.e. Swift Desire car, in which 4-5 persons are sitting. On receiving such

information, the police party swung into action and on seeing two vehicles at a naka, both the vehicles were signalled to stop. In the meantime, driver of Swift desire car, with an intention to eliminate the police officials standing at the barrier, straightway hit the govt. vehicle and the police officials saved their lives by escaping. One of the Constable Parmod received injuries. Isha was driving Safari vehicle, he got down from the vehicle and fired upon the police party from a country-made pistol and when the police officials were trying to save themselves, he ran away from the spot. Even the occupants of the car ran away. On searching the Safari, 14 boxes of illicit liquor were found.

Learned counsel for the petitioner further submits that the petitioner was nominated on the disclosure statement of co-accused Isha along with one Shripal, who has been granted the concession of regular bail by the Sessions Judge, Palwal vide order dated 03.07.2020, co-accused Isha has been granted the concession of regular bail by this Court vide order dated 22.09.2020 passed in CRM-M-27424-2020 and one another co-accused Islam has been granted regular bail vide order dated 24.08.2020 passed in CRM-M-18884-2020.

Learned State counsel has, however, opposed the prayer for bail on the ground that the petitioner is a partner of main accused Isha and it is apparent from his disclosure statement and recovery was effected from the spot, where co-accused Isha had opened fire on the police party and one of the Constable Parmod was injured, when the escort vehicle hit the barrier. It is further submitted that the petitioner was found involved in as many as 09 cases of

similar nature.

In reply, learned counsel for the petitioner has submitted that out of 09 cases, the petitioner stands acquitted in two cases, whereas he has facing trial in other cases.

After hearing learned counsel for the parties, considering the serious allegations against the petitioner and also in view of the fact that he is habitual offender and number of cases are pending against him, pertaining to the year 2010 to 2020, in which he is facing trial, which shows that every time he gets bail and is involved in another case, I find no ground to grant anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

08.10.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No