IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3360 of 2021
DATE OF DECISION :- April 01, 2021

Ravi Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Paras Jagga, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

***

This petition for regular bail has been filed by petitioner Ravi Kumar, son of Shri Banwari Lal, aged about 34 years, resident of village Ganga, Tehsil Kalanwari, District Sirsa, an accused in F.I.R. No. 411 dated 26.11.2020 registered with Police Station City Mandi Dabwali, District Sirsa for offences under Sections 147, 149, 285, 323, 506 IPC and 25 of the Arms Act.

Briefly stated the prosecution story is that on 26.11.2020 at about 11.00/12.00 noon, petitioner Ravi Kumar along with 6/7 boys went to the house of complainant Surender Singh, situated at Ward No. 6, Kabir Basti, Mandi Dabwali. The complainant was called from his house. When he reached plot near his house then all the boys attacked him giving him kick and fist blows. The complainant raised alarm which attracted his brother-in-law Harjinder Singh. Ravi Kumar had caught hold of Harjinder Singh and fired from his pistol. Thereafter, all the assailants left the spot on

PARVINDER SINGH
2021.04.01 15:03
I attest to the accuracy and
integrity of this document
Chandigarh

their motorcycles. The motive for the incident according to complainant was that complainant has been in possession of plot adjacent to his house for the last 7/8 years which accused Ravi Kumar wanted to grab.

On matter being reported to the police, formal F.I.R. was registered. Investigation in the case started. Apprehending his arrest the petitioner had approached to the Court of Sessions at Sirsa seeking pre-arrest bail. His such application which was assigned to Additional Sessions Judge, Sirsa was, however, dismissed vide order dated 28.12.2020. Feeling aggrieved, he has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

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

As informed by the State counsel, the petitioner is involved in six more criminal case details of which are as follows :-

i) F.I.R. No. 151 dated 23.6.2010 under Sections 323, 341, 148, 149, 506, 427, 325 IPC registered with Police Station Sadar Dabwali.

ii) F.I.R. No. 225 dated 12.10.2012 under Sections 323, 341, 506, 34 IPC and Sections 25/54/59 of the Arms Act registered with Police Station Sadar Dabwali.

iii) F.I.R. No. 25 dated 17.3.2011 under Sections 148, 149, 307 IPC and Sections 25/54/59 of the Arms Act registered with Police Station Odhan.

iv) F.I.R. No. 37 dated 8.2.2013 under Sections 447, 506/34 IPC registered with Police Station City Dabwali.

v) F.I.R. No. 376 dated 10.10.2014 under Sections 323, 341, 454, 506/34 IPC registered with Police Station City Dabwali.

vi) F.I.R. No. 292 dated 17.8.2020 under Sections 387, 506 IPC registered with Police Station City Dabwali.

In the case bearing F.I.R. No. 376 of 2014 he has been

PARVINDER SINGH
2021.04.01 15:03
I attest to the accuracy and
integrity of this document
Chandigarh

declared proclaimed offender on 19.1.2019. The State counsel on instructions from HC Rajpal has stated that the order declaring petitioner as a proclaimed offender in the said case still stands. It being so, the petitioner is certainly not entitled to discretionary relief of pre-arrest bail. The Apex Court in the judgment State of Madhya Pradesh versus Pradeep Sharma 2014 (1) R.C.R. (Criminal) 269 has categorically observed that if an accused is an absconder and declared as a proclaimed offender, he should not be granted anticipatory bail. Thus considering the fact that petitioner is an absconder in F.I.R. No. 376 of 2014 and the fact that he is involved in several criminal cases thereby showing that he is an habitual offender, he is not entitled to be granted pre-arrest bail. Further more the facts and circumstances of the case also do not warrant grant of anticipatory bail to him since he is said to have fired rounds from his pistol and his custodial interrogation is necessary to effect recovery of the pistol used in the incident and to know about the details of the incident including how it was planned and executed, the involvement of the other persons in the incident etc.

The petition is doomed for failure and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

April 01, 2021
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

PARVINDER SINGH
2021.04.01 15:03
I attest to the accuracy and
integrity of this document
Chandigarh