

CRM-M- 17762-2021

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

**CRM-M- 17762-2021 (O & M)
Date of decision: 19.01.2022**

Ashif

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saifuddin Shams, Advocate,
for the petitioner.

Ms. Ambika Sood, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.349 dated 16.09.2019, registered at Police Station Dadri Sadar, Charkhi Dadri, under Sections 34, 365 and 395 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR and rather indicted on the disclosure statement suffered on 20.11.2019, by co-accused, Afsheel; that even in the challan presented against the co-accused on 31.03.2020, the petitioner was not associated with the co-accused in the present case; that the petitioner was arrested on 18.05.2020 and his disclosure statement qua the involvement in the present case was also recorded; that such statement made to the police by the petitioner is a very weak evidence, and that there is no direct or indirect

CRM-M- 17762-2021

evidence against the petitioner, connecting him with the offences in the present case. On this premise, the learned counsel prays for the grant of regular bail to the petitioner.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that co-accused Afsheel stated in his disclosure statement that he alongwith other accused, including the petitioner, had come in a car with an intention to snatch a vehicle and they had forcibly taken away the vehicle parked on the roadside and kidnapped the driver and further left him on Rewari-Jhajjar Road. The learned State counsel further submits that the petitioner had actively participated in the commission of the offence and an amount of Rs.10,000/- had also been recovered from him. The petitioner is a habitual offender and there are as many as five other cases registered or pending against him.

I have heard the learned counsel for the parties.

This is the second petition for the grant of regular bail to the petitioner, the first one having been dismissed as withdrawn on 22.12.2020. Though, the petitioner has been indicted on the disclosure statement of the co-accused, yet the fact remains that he has as many as five other cases registered or pending against him, showing his tendency of committing repeated crime(s) of similar nature. The criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

On a specific query put to the learned counsel for the petitioner, he has failed to show any substantial change in circumstance. It

CRM-M- 17762-2021

is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the criminal antecedents are also to be weighed. Keeping in view the criminal antecedents of the petitioner, the period of custody of about 20 months, in my considered opinion, melts into insignificance. Still further, having had his complicity in the repeated offence of dacoity, the petitioner cannot seek the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar offence.

Therefore, finding no merit in the present petition, the same is dismissed.

19.01.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No