

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

CRM-M-25812-2022
Date of the Decision: 19.07.2022

Devi Lal

...Petitioner

Versus

State of Haryana and another

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

HARNARESH SINGH GILL, J (Oral).

The petitioner, by way of the present petition, seeks cancellation of the pre-arrest bail granted to accused-respondent No.2, order dated 05.04.2022 passed by the learned Sessions Judge, Karnal, in case bearing FIR No. 189 dated 12.03.2022 registered under Sections 406, 420 and 506 IPC, at Police Station Indri, District Karnal.

Learned counsel for the petitioner would vehemently argue that the learned Sessions Judge, Karnal, while passing the order dated 05.04.2022 has totally lost sight of the fact that accused-respondent No.2 is a chronic defaulter/fraudster and has been facing criminal prosecution in as many as 10 more FIRs of the similar kind. It is further submitted that it was incumbent upon the learned Sessions Judge, Karnal, to take into consideration the criminal antecedents of the accused-respondent, which as a matter of fact, if taken into consideration, would disentitle the accused the relief granted.

I have heard learned counsel for the petitioner and have also gone through the order dated 05.04.2022 passed by the learned Sessions Judge, Karnal.

A perusal of the said order would show that the factum of registration of other FIRs against accused-respondent No.2, has been noticed by the learned Sessions Judge, Karnal. The said part of the order would read as under:-

“8.....The other transactions were made by the complainant of the case and his business partner Poonam Rani. In view of this, at this stage, prima-facie, it is established that the complainant and petitioner had some other transactions. Several FIRs were registered against the present petitioner, whereas, as per petitioner, one complaint was also moved against complainant Devi Lal and his partner Poonam Rani. In view of this, at this stage, allegations made in the FIR, seem to be doubtful and as such, it cannot be said that anything is to be recovered from the present petitioner requiring the custodial interrogation of the present petitioner.....”

It is not the case of the petitioner that accused-respondent No.2 has violated any of the terms of the order granting him the concession of anticipatory bail by the Sessions Court. As would transpire from the very extracts of the order as noticed above, it is seen that the concession of anticipatory bail was granted taking into consideration of the facts of the case in hand.

Undoubtedly, while granting the concession of bail, the Court is required to take into consideration the criminal antecedents of the accused. However, taking into consideration the factual position as noticed in the order dated 05.04.2022 passed by the learned Sessions Judge, to the effect that the complainant and the

accused had some other transactions, this Court does not find any fault with the said order.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

19.07.2022
ds

<i>Whether reasoned/ speaking?</i>	<i>Yes/ No</i>
<i>Whether reportable?</i>	<i>Yes/ No</i>