

CRM-M-35056-2022

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

CRM-M-35056-2022 (O & M)

Date of decision: 02.09.2022

Sharukh @ Bhura

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Balraj Gujjar, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.483 dated 05.09.2019, registered at Police Station Hodal, District Palwal, under Sections 398 and 401 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that having been granted the benefit of bail, the petitioner had been regularly appearing before the trial Court; that however on 15.02.2020, the petitioner absented himself from the court proceedings, following which his bail was cancelled and his bail bonds had been forfeited to the State; that absence of the petitioner from the court proceedings was not intentional, but was due to the noting down a wrong date by his counsel before the trial Court. He further contends that the petitioner has been in custody for the last more than 09 months and that the prosecution witnesses are yet to be examined.

On the other hand, learned State counsel, while opposing the

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grant of bail to the petitioner, submits that the trial Court had rightly cancelled the bail of the petitioner; that after his absence on 15.02.2020, the petitioner committed other offences and accordingly, three more FIRs under various sections of IPC, had been registered against him, and that while on bail in this case i.e. prior to 15.02.2020, two more FIRs, including the one under Section 302 IPC, had also been registered against the petitioner. Learned State counsel further contends that the petitioner has misused the concession of bail and the approach of granting bail to the accused like the petitioner would encourage him to indulge in other offences again and again.

I have heard the learned counsel for the parties.

A perusal of the record would show that the petitioner absented himself from the court proceedings on 15.02.2020, following which his bail was cancelled and his bail bonds had been forfeited to the State. While on bail in the present case, two more FIRs, including the one under Section 302 IPC, had been registered against the petitioner. Moreover, after the cancellation of bail i.e. on 15.02.2020, the petitioner also committed other offences and accordingly, three more FIRs under various sections of IPC had been registered against him.

It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has criminal antecedents, particularly a record which suggests that he is likely to commit serious offences while on bail. A perusal of the record would show that the petitioner is a habitual offender and he has as many as seven other cases, as mentioned in the petition, registered or pending

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against him. After the registration of the present case, the petitioner has committed heinous offences and thereby polluted the process of justice. The conduct of the petitioner is not above the board.

This Court finds out that there would be danger of the course of justice being thwarted if the petitioner is enlarged on bail.

In view of the above discussion, this Court does not find any merit in the present petition.

Dismissed.

02.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No