

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

-.-

CRM-M-52570-2021 (O&M)
DATE OF DECISION : 22.02.2022

Vikas Alias Billu

.....Petitioner

versus

State of Haryana

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shubham Kaushik, Advocate for the petitioner.

Mr. Viney Phogat, DAG Haryana

ALKA SARIN, J. (Oral):

Heard in physical mode.

This is the fourth application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.346 dated 09.09.2019 registered under Sections 420, 467, 468 and 120-B of the Indian Penal Code, 1860 (for short, 'IPC') at Police Station Civil Lines, Jind.

The earlier petitions of the petitioner being CRM-M-25079-2020, 12686-2021 and 45319-2021 were dismissed as withdrawn vide orders dated 23.11.2020, 26.07.2021 and 03.11.2021 respectively.

Learned counsel for the petitioner would contend that there is no prima facie evidence on the record to show that the documents were prepared on his asking. It is further the case that the petitioner has been in custody for a period of 2 years and 02 months and 18 days. Learned counsel

would further contend that the petitioner's father is infact suffering from cancer.

Learned State counsel has pointed out that the petitioner falls in the category of hard-core prisoner and as per the custody certificate, there are a total of 20 cases lodged against the petitioner till date. Out of 20 cases, in 05 cases the petitioner has been convicted and out of the 05 cases in which the petitioner stands convicted one is under Sections 149, 302 IPC read with 149, 307 read with 149, 120-B IPC and Section 25 of Arms Act, 1959 in FIR No. 224/2011 dated 17.10.2011 and another case registered against the petitioner vide FIR No. 814/2011 dated 12.12.2011 under Sections 302 IPC is pending.

I have heard learned counsel for the parties.

In the present case the Deputy Jail Superintendent vide letter No.657 dated 05.08.2019 addressed to the Station House Officer, Police Station Civil Lines, Jind wrote making allegations therein that for the purposes of securing parole in CWP-20721-2019, fake documents have been got prepared. It was further stated in the complaint that the father of the petitioner was not suffering from cancer and the person who was getting the cancer treatment was Wazir s/o Prithi and this fact came to the notice of the jail authorities when the phone call of the applicant-accused with his father was verified from the jail regarding his conversation from prison inmates calling system provided to the convicts to talk to their relatives and the conversation of the petitioner with his father was recorded and the said facts came to the notice of the jail authority. The petitioner in the present case

having been categorized as a hard-core prisoner would not have been otherwise entitled to parole. There are 20 cases under various sections of the IPC which have been lodged against the petitioner. Out of that in 05 cases the petitioner stands convicted and one of the cases in which the petitioner has been convicted is under Section 302 IPC and another case under Section 302 IPC is pending against him.

In view of the above, I do not find this to be a fit case to grant a concession of regular bail to the petitioner.

The petition is accordingly dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

February 22, 2022
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO