

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

CRM-M-49583-2022

Date of Decision: 27.10.2022

Lala Ram @ Jeevan Hitesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Jasivir Yadav, Sr. Advocate with
Mr.J.P.Jangu and Mr.Nitish Sharma,
Advocates for the petitioner

Mr.Himmat Singh, DAG, Haryana

ASHOK KUMAR VERMA, J.

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail in FIR No.250 dated 15.10.2022 under Sections 186, 224, 332, 353 read with Section 34 of the IPC registered at Police Station Kosli, District Rewari.

The story of the prosecution in brief is that on 15.10.2022, SI Krishan Murari, Economic Offences Unit, Shri Krishan Singh Path, Beli Road, Patna, Bihar submitted complaint. In complaint, it was submitted that in pursuance to warrant accused Lala Ram @ Jeewan Hitesh @ Lala

Bhand @ Lala Kosli was arrested. At about 4.30 pm, Lala Ram was seated in vehicle no.HR-26DH-3092 at Guriyani Road and was about to go. Lala Ram tried to flee away. ASI Yaspal followed him but he forcibly fled away and called by shouting to Manu wife of Satish Kumar @ Pappu, Satish Kumar @ Pappu and 4-5 unknown persons for being released. Accused Lala Ram refused to sit in vehicle and fled away. On the said complaint, FIR in question has been registered.

Learned Sr. Counsel appearing for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the said FIR. This has been done only to stop the petitioner from contesting the election for Zila Parisad in which last date for nomination is 28.10.2022. It is because of political rivalry. All the offences in question are triably by Judicial Magistrate 1st Class. The petitioner is already ready and willing to join the investigation.

On the contrary, learned counsel for the State submits that the petitioner was wanted in another case and he had forcibly fled away from the custody of police officials with the help of other accused. The petitioner is also involved in six other cases.

Having heard learned counsel for the parties, I am of the view that the petitioner has been specifically named in the FIR. There is specific role attributed to him. The allegations against the petitioner are serious in nature that the petitioner has fled away from the custody of the police officials with the help of other accused. Moreover, his antecedents are also not good as he is already involved in six other cases also. It has been observed by the Hon'ble Supreme Court in case **Gudikanti Narasimhulu v. Public Prosecutor, High Court of A.P, (1978) 1 SCC 240** that

the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. Moreover, Investigation is still going on. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma, (2014) 2 SCC 171.**

In view of the discussion made above, the present petition being devoid of any merit is dismissed. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

27.10.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No