

CRM-M-4418 of 2023

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

CRM-M-4418 of 2023

Date of decision: 27.01.2023

Manjeet

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gaurav Jain, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.34 dated 18.01.2023 under Sections 323, 506, 34 IPC, registered at Police Station Pataudi, District Gurugram.

Present FIR was got lodged by the complainant alleging that he was working as Senior Manager in Quess Corp Limited Unitech Cyber Park no.1504/1505,15th floor Tower B Sector 39 Gurugram and the company is engaged in supplying staff on contract basis to Flip Cart Sampka. Every day a number of people have been visiting the company to get employment and the documents etc. of the said persons are checked in queue after which they sent in the company. On 16.1.2023 complainant alongwith another official Dharmender were checking documents of the people who had come for employment and at about 10 a.m. petitioner-Manjeet Kumar Sharma son of Suresh r/o Bawda Paaudi, Gurugram alongwith 3-4 more persons came and told that trader should be removed and thereafter started giving beatings to the complainant. While leaving, accused stated that complainant had been

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spared today and next time will be eliminated. Thereafter, after some time petitioner and 2-3 other persons came to their company and gave beatings to employee Mitesh Yadav with *dandas* and ran away. On 17.1.2023 also threats and abuses were given on phone to the complainant.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case as he is not involved in the alleged offence. He further submits that there is no allegation against the petitioner that he was armed with any weapon. No grievous injury has been caused to the complainant. He further submits that petitioner is ready and willing to join the investigation.

Per contra, learned State counsel, who appears on receipt of advance notice, opposes the prayer for grant of anticipatory bail to the petitioner. She submits that petitioner is a habitual offender as he is involved in seven more cases of similar nature.

I have heard learned counsel for the parties and perused the record.

In para 12 of the petition, petitioner has mentioned that he is involved in four more cases, in which he is on bail. However, learned State counsel has pointed out that he is involved in seven more cases except the present one. Therefore, the petitioner is a habitual offender and he has intentionally concealed the factum of registration of all FIRs in the petition. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments in ***Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114*** and ***Amar Singh v. Union of India and others, WP(C) No.39/06 decided***

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on 11.05.2011.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioner that he is extending threats to the complainant for giving protection money. The allegations are serious in nature. Moreover, petitioner is a habitual offender. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse his liberty and does not deserve grant of anticipatory bail.

In view of the above, the petition is dismissed.

27.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No