

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18917 of 2023
Date of decision: 9th May, 2023

Rafik

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Sobti, Advocate for the petitioner.

Mr. Chetan Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.330 dated 23.10.2020 under Sections 148, 149, 323, 324, 506 IPC (Section 307 added later on) registered at Police Station Hathin, District Palwal (Haryana).

Learned counsel for the petitioner inter alia contends that it is a case of version and cross-version, wherein both the parties received injuries at the hands of each other. He submits that the petitioner had been falsely implicated in the case in hand on account of a history of strained relations between the parties. Learned counsel further submits that even otherwise the petitioner has only been attributed knife blows on the feet of father of the complainant. It has been still further submitted that the petitioner has been in custody since 09.12.2022 and

the trial shall take considerable time to conclude, as none of the 27 prosecution witnesses cited, have been examined till date.

Learned State counsel has filed status report by way of an affidavit of Ratandeeep Bali, HPS, DSP Hathin, District Palwal which is taken on record subject to all just exceptions. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from HC Mahender Kumar, has submitted that not only has the petitioner been specifically named but there is a specific attribution to him also of having inflicted a blow on the abdomen of father of the complainant, which injury was then declared to be dangerous to life. He submits that no doubt some co-accused had been extended the concession of anticipatory bail, however, all those co-accused had been found innocent by the investigating agency during investigation and placed in column No.2.

Learned State counsel has also invited the attention of this Court to para 17 of the status report filed today, wherein it stands reflected that the petitioner had absconded during investigation and had been subsequently declared a proclaimed offender. Learned State counsel has furthermore submitted that the petitioner is a man of criminal antecedents as he is involved in following cases:

- (i) FIR No.209 dated 08.06.2019 u/s 148, 149, 323, 506
IPC, Police Station Hathin, District Palwal on bail.

- (ii) FIR No.272 dated 23.07.2019 u/s 148, 149, 323, 325, 341, 452, 506 IPC, Police Station Hathin, District Palwal – on bail.
- (iii) FIR No.129 dated 31.03.2022 u/s 174A IPC, Police Station Hathin, District Palwal – on bail.
- (iv) FIR No.127 dated 30.03.2022 u/s 25 of the Arms Act, Police Station Haghin, District Palwal – on bail.

A prayer has therefore been made that the petitioner be not extended the concession of bail as there is every likelihood that he could abscond and even try to influence the witnesses to depose in his favour resulting in the peace and tranquility of the area being compromised.

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

A perusal of the FIR in question reveals that on the fateful day, when the complainant and his wife were working in their fields, all the accused including the petitioner, came to the spot and indulged in a verbal altercation with the complainant party. Thereafter, all the accused including the petitioner, went back to their house and returned armed with lethal weapons, which were then used by them in the crime in question.

Prima facie, it clearly comes across as being a premeditated attack. It is also a matter of record that a criminal case already stands

registered at the instance of the complainant party against the accused/petitioner and the relations between them are already strained. Moreover, this Court cannot turn a blind eye to the criminal antecedents of the petitioner. This Court therefore, concurs with the prayer made by the learned State counsel in the aforementioned facts and circumstances that the petitioner could yet again abscond and even try to influence the prosecution witnesses to depose in his favour, which could lead to the peace and tranquility in the area being disturbed.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 9, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No