

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRA-S-1221-2023

Date of decision: 02.05.2023

Bijender @ Punji

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Devinder Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 13.03.2023 passed by learned Additional Sessions Judge, Bhiwani whereby his application for grant of regular bail, in case FIR No.687 dated 27.11.2020 under Sections 148, 149, 302, 323 of the IPC (Sections 120-B, 303, 216 and 201 read with Section 34 of the IPC added lateron) and Section 3(2)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') registered at Police Station City Bhiwani, District Bhiwani, was dismissed.

2. Learned counsel for the appellant submits that the appellant has been in custody since 20.08.2022 in a case of false implication and there is no likelihood of the trial concluding in the near future as only 13 out of the 46 prosecution witnesses cited have been examined so far. It has also been submitted that the false implication of the appellant finds further credence from the fact that he is not involved

in any other criminal case and has clean antecedents.

3. Per contra, learned State counsel has vehemently opposed the prayer made by the counsel opposite and on instructions from ASI Rajesh, submitted that the appellant has not approached this Court with clean hands. He submits that the appellant is a man of criminal antecedents and apart from the FIR in question he is also involved in following cases:-

1.	FIR No.63 dated 30.01.2022 under Section 174A of the IPC registered at Police Station City Bhiwani
2.	FIR No.164 dated 11.12.2007 under Sections 8 and 9 of the HGCP Act registered at Police Station Bawani Kheda
3.	FIR No.8 dated 05.01.2003 under Sections 399 and 402 of the IPC registered at Police Station Bawani Kheda
4.	FIR No.210 dated 21.12.2002 under Sections 279, 336 and 392 of the IPC registered at Police Station Bawani Kheda
5.	FIR No.164 dated 26.09.2022 under Sections 147, 148, 120B, 302 and 201 of the IPC registered at Police Station Uchana
6.	FIR No.134 dated 28.08.2002 under Sections 307, 452 and 34 of the IPC and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Bawani Kheda
7.	FIR No.127 dated 29.09.2011 under Section 174A of the IPC registered at Police Station Bawani Kheda
8.	FIR No.437 dated 19.12.2012 under Section 174A of the IPC registered at Police Station Sadar Hansi
9.	FIR No.370 dated 15.10.2012 under Sections 392 and 394 of the IPC and under the Arms Act registered at Police Station Bawani Kheda
10.	FIR No.421 dated 19.11.2019 under Sections 323, 341 and 506 of the IPC and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Bawani Kheda

4. It has also been submitted by the learned State counsel that out of the abovementioned cases, the appellant has been convicted in 05 cases and he is facing trial in 02 cases.

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

6. The appellant does not deserve the concession of bail in view of the fact that he has tried to misrepresent before this Court and withhold his criminal antecedents while approaching this Court. In para 13 of grounds of his appeal, the appellant has stated that he is not involved in any other similar cases, which statement stands falsified from the submissions made by the learned State counsel. It is trite to say that a person who does not approach the Court with clean hands, is not entitled to get any relief from the Court. In view of the above, this Court does not deem it fit to extend the concession of bail to the appellant.

7. Accordingly, the instant appeal is dismissed.

8. 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.

02.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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