

226
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23174-2023 (O&M)

Date of Decision: 05.07.2023

Vivek @ Luda

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aakash Dalal, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.281 dated 21.05.2021, under Sections 148, 149, 186, 307, 323, 427 IPC and Section 196 of M.V Act, registered at Police Station Sampla, District Rohtak.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 2 years and the complainant has been examined. Therefore, he may be considered for the grant of regular bail. He submitted that the other co-accused namely Shamsheer has been granted regular bail by a Co-ordinate Bench of this Court and therefore, he may also be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has

submitted that although custody of the petitioner is about 2 years but it is a case where the petitioner is a habitual offender and he is involved as many as 18 other cases of similar nature which has been registered at different police stations in the State of Haryana. He has vehemently opposed the grant of bail to the petitioner on the ground that it is a case where the petitioner alongwith other co-accused had attacked the police party and also damaged the PCR vehicle and therefore the petitioner is not entitled for the grant of regular bail. So far as the parity with the other co-accused who has been granted bail, he submitted that the petitioner is involved in about 18 cases of similar nature whereas the other co-accused namely Shamsher was involved in 7 more cases. He further submitted that in fact the petitioner is the main accused in the present case who was leading the party and therefore cannot be termed as at parity with the other co-accused.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has faced incarceration for 2 years but the allegation against the petitioner is serious to the extent that he alongwith co-accused had attacked the police party and also damaged the PCR vehicle. So far as the plea raised by the learned counsel for the petitioner with regard to the parity with the co-accused is concerned, this Court is in agreement with the argument raised by the learned State counsel that the petitioner in the present case being involved in 18 more cases of similar nature cannot be granted bail merely on the ground that he is at parity with the other co-accused who was granted bail by a Co-ordinate Bench of this Court. The apprehension expressed by the learned State counsel that in case the petitioner is released on bail, then he may repeat the offence

cannot be ignored and carries weight.

6. Therefore considering the totality of facts and circumstances of the case, this Court does not deem it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.07.2023

rakesh

Whether speaking
Whether reportable

: Yes/No
: Yes/No

(JASGURPREET SINGH PURI)
JUDGE