

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-27699-2023

Date of decision: 02.09.2023

Sahid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anas Ahmed, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.426 dated 06.10.2015, under Sections 279, 336, 307, 186, 353 of the Indian Penal Code, 1860, Section 4A/8-2-80 of Prevention of Cow Slaughter Act and Section 25 of the Arms Act, 1959, at Police Station Dharuhera, District Rewari.

2. Status report by way of affidavit of Jaipal Singh, Deputy Superintendent of Police, H.Q., Rewari, District Rewari, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel has vehemently opposed the prayer made by the petitioner for extending the concession of anticipatory bail to him. It has been submitted that a secret information was received by the police that some persons were clandestinely transporting cows in a vehicle for slaughtering. When in the wee hours of 06.10.2015, the

police intercepted the vehicle at a police naka and ordered it to stop, the driver of the vehicle, instead of stopping, tried to flee away by driving negligently. 5-6 co-accused who were also sitting in the vehicle pelted stones and fired at the police party. While trying to flee, the vehicle hit the barricade put up by the police. Two of the occupants of the truck were apprehended at the spot, while the other accused, including the driver of the vehicle i.e. the petitioner, managed to flee under the cover of darkness. During investigation, the nabbed co-accused Arif and Habib suffered their respective disclosure statements and revealed that it was the petitioner who was the driver of the vehicle in question and he along with co-accused Arif had fired from their firearms at the police party.

4. Learned State counsel has still further submitted that there has been material concealment by the petitioner, from this Court, qua his criminal antecedents. Learned State counsel has further brought to the notice of this Court the criminal antecedents of the petitioner. It has been asserted by the State that each and every time the petitioner was enlarged on bail in the other criminal cases registered against him, he had misused the concession and committed some crime.

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

6. The following cases stand registered against the petitioner:-

FIR No.	Offences	P.S.	Status
171 of 2018	U/s 186, 307, 224, 332, 353 IPC and 25, 54, 59 of the Arms Act	Tauru, Nuh	Under trial

163 of 2020	U/s 25, 54, 59 of Arms Act	Tauru, Nuh	Under trial
85 of 2018	U/s 427, 380, 511 of IPC	Farukhnagar	Under trial
62 of 2021	U/s 174A of IPC	Shivaji Nagar, Gurgaon	Under trial
19 of 2018	U/s 174A of IPC	Rajender Park, Gurgaon	Under trial
164 of 2018	U/s 380, 411 of IPC	Sector 53, Gurgaon	Under trial
325 of 2017	U/s 380 of IPC	Rajender Park, Gurgaon	Under trial
264 of 2021	U/s 174A of IPC	Shivaji Nagar, Gurgaon	Under trial
265 of 2021	U/s 174A of IPC	Shivaji Nagar, Gurgaon	Under trial

7. There indeed, has been material concealment by the petitioner qua his involvement in a number of criminal cases. This Court cannot also turn a blind eye to the fact that the petitioner was declared a proclaimed offender in many cases as there are as many as 04 cases registered against him under Section 174 A of the IPC.

8. In the facts and circumstances as enumerated hereinabove, coupled with the role attributed in the case at hand, the petitioner does not deserve the extraordinary concession of anticipatory bail.

9. Accordingly, the petition is hereby dismissed.

10. 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.

02.09.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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