

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

213

2023:PHHC:148026

CRM-M-31152-2023 (O&M)

Date of decision: November 21st, 2023

Imran Shafi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rohit, Advocate
for Mr. Ramnish Puri, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

Mr. Akshay Bhan, Senior Advocate
with Mr. S.S. Rangi and Mr. H.P.S. Sandhu, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.32 dated 28.01.2023 under Sections 454, 380, 401, 411, 201, 34 of the IPC registered at Police Station Sector-5, Panchkula.

2. Learned counsel for the petitioner, *inter alia*, contends that the false implication of the petitioner in the case in hand who has been in custody since 12.03.23, is evident from the fact that he was neither named as an accused nor was any suspicion raised qua his involvement in the crime in question; he was nominated as an accused on the basis of a disclosure statement suffered by co-accused Rashid Khan, who allegedly accompanied the petitioner when the theft in question was committed. It has been submitted that the evidentiary value of such disclosure statement is of a weak nature.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner is a man of criminal antecedents. After the registration of the FIR in question, the fingerprints which were lifted from the scene of crime matched with that of accused Rashid Khan, who in turn suffered a disclosure statement naming the petitioner as being the person, who had accompanied him to commit the crime in question. It has also been submitted by the learned State counsel that all the recoveries including the gold bar, diamond earrings etc. belonging to the complainant were effected from none other than the petitioner and which in turn were duly identified by the complainant. Learned State counsel has vehemently opposed the grant of regular bail to the petitioner in view of the fact that he is involved in as many as 14 cases of similar nature, which stand registered against him not only in the State of Haryana but in Chhattisgarh and Gujarat, the factum of which has been withheld from this Court.

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

5. The petitioner, no doubt, was nominated as an accused on the basis of a disclosure statement made by co-accused Rashid Khan, who allegedly accompanied the petitioner when the theft in question was committed. However, this Court cannot lose sight of the fact that the petitioner has criminal antecedents as he is involved in 14 cases of similar nature, which stand registered against him.

6. Accordingly, the instant petition stands dismissed.

7. 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.

November 21st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No