

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33382 of 2023
Date of decision: 19th July, 2023

Jivtesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Goldy Jakhar, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.51 dated 31.01.2023 under Section 397 IPC and sections 25/54/59 of the Arms Act, 1959 registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the case in hand for allegedly committing dacoity along with co-accused at gunpoint. It has been further submitted that investigation is complete in the case in hand and charges have not yet been framed, hence, trial would take considerable time to conclude. A prayer has therefore, been made for extending the concession of bail to the petitioner, who has been in custody since 14.02.2023, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from

ASI Gural, has submitted that the petitioner is a man of criminal antecedents as just five days after the registration of the FIR in question, he was yet again involved in another case of similar nature, bearing FIR No.26 dated 04.02.2023 under Section 379-B IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Punjab). He submits that in view of the criminal antecedents of the petitioner, there is every likelihood that in case he is extended the concession of bail, he could misuse the same by trying to influence the witnesses in his favour and could also abscond.

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

5. Prima facie, there are serious allegations against the petitioner, who as already observed earlier, is a man of criminal antecedents. The petitioner along with co-accused, robbed the complainant by waylaying him on a busy road at gunpoint. In the circumstances, this Court concurs with the submissions made by the learned State counsel that since prosecution evidence has also not commenced, there could be a likelihood of the petitioner misusing the concession of bail by trying to tamper with evidence, and could also abscond. The petition as such is 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

July 19, 2023
rps

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