

CRM-M-40113-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRM-M-40113-2023
DATE OF DECISION:- 17.08.2023

SAFI MOHD.

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Palvi, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana for the State-respondent.

SUVIR SEHGAL, J. (Oral)

1. This is the second petition filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No. 68 dated 15.03.2023 registered for offences under Sections 332, 353, 186, 341, 506, 307, 379-B, IPC, Section 25 of the Arms Act, 1959 and Section 3 (2) (e) of Prevention of Damage to Public Property Act, 1984 (subsequently Sections 342, 201, 325, IPC were added) at Police Station Punhana, District Nuh, Haryana.

2. As per the allegations levelled, FIR, Annexure P-1, has been registered on the complaint of Sub Inspector, Jalaluddin, 1588, Faridabad, Crime Branch, on the allegation that during the course of investigation of FIR No.136 dated 16.02.2023 lodged for offence under Section 379, IPC at Police Station Surajkund, Faridabad, Talim, an accused, was arrested, who had sold the stolen tractor trolley to one, Ajruddin, for Rs.1.40 lacs. In order to recover the stolen vehicle, the complainant along with Assistant

CRM-M-40113-2023

-2-

Sub Inspector, Naveen, 507, Head Constable, Kayam, 1048, Head Constable, Rajesh, 879, Head Constable, Mohan Shyam, 807, Constable, Manoj, 2770, Constable, Rohit, 3847, Constable, Krishna, 2560 and Constable, Anil, 2659, who were members of a team constituted, went together, along with the accused to the house of co-accused, Ajruddin. After giving prior information, the police team raided the house of Ajruddin, but instead of cooperating, Ajruddin and his family members climbed on the roof top and started raising a hue and cry. 40-50 persons from the neighbourhood gathered at the spot and surrounded the police officials from all sides. They attacked them with the intention of killing them. They were armed with sticks and country made pistols and inflicted injuries on the team of policemen. They took the police team as a hostage in the Ajruddin's house, threatened to kill them and forcibly snatched a wallet containing Rs.8000/-, identity card and other documents from them. They damaged the government vehicle bearing HR-51-GV-8038. They were released after being detained for two hours. The injured were taken to the hospital for treatment.

3. Counsel for the petitioner has urged that the petitioner is innocent and there is no specific allegation against him. She has argued that the supplementary statement of the complainant was recorded on 28.03.2023 and he has not named the petitioner. It has been asserted that the main accused, Ajruddin, has been arrested and in his confessional statement, he has stated that he spent the looted amount on festivity during the Eid Festival. Reliance has also been placed upon orders, Annexures P-3 and P-4, to submit that two of the accused have been released on interim bail.

CRM-M-40113-2023

-3-

4. Opposing the petition, State counsel, upon instructions, has argued that there are serious allegations against the petitioner and other accused, who have obstructed the police officials from performing their duty and assaulted them. He submits that in the supplementary statement of the complainant, he has named some more accused and has not given a clean chit to the present petitioner. Still further, by making a reference to interim order, Annexure P-3, State counsel submits that the petitioner have misled this Hon'ble Court into passing of the interim order.

5. I have considered the respective submissions of counsel for the parties.

6. Petitioner alongwith other accused have obstructed the law enforcing officials, who were performing their duty. He is not only accused of vandalism, but also of accused of snatching money from the policemen as well as causing grievous injuries with the intention to cause death. A person, who has no respect for the rule of law and rather takes law in his own hands, cannot expect any sympathy from the Court.

7. Noticing the nature of allegations, gravity of offence, severity of punishment likely to be imposed, in case, petitioner is convicted and the entire horrific manner in which terror has been created by the accused, this Court is not inclined to accede to the grant of discretionary relief of anticipatory bail.

8. Furthermore, the first petition (CRM-M-33952-2023) was withdrawn by the counsel for the petitioner, after arguments, on 27.07.2023. Counsel has not been able to show any variation in the circumstances or fact situation, in the absence of which, second petition, preferred within a

CRM-M-40113-2023

-4-

short period thereafter, cannot be entertained as has been held by the Supreme Court in *G.R. Ananda Banu Versus The State of Tamil Nadu and another 2021 (1) RCR (Criminal) 843* and *Md. Shamim Khan Versus The State of Jharkhand 2022 (2) AICLR 798*

9. Finding no merit in the instant petition, it is hereby dismissed.
10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

17.08.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No