

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224 CRM-M-44035-2023 (O & M)
Date of decision:-13.09.2023

Mubeen @ Keedu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Azad Khan, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

SUVIR SEHGAL, J.

CRM-36959-2023

- 1. Application is allowed as prayed for.
- 2. Exemption from filing certified copies of Annexures P-1 to P-3, is granted.

Main Case

- 3. This is the 1st petition filed by the petitioner under Section 439 read with Section 482 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
123	04.06.2017	Pinangwan, District Nuh	489-A, 489-B, 420, 467, 468, 471 and 120-B of IPC, 1860

- 4. Case of the prosecution is that FIR, Annexure P-2, has been registered on the basis of secret information that Mubba @ Mubarik is engaged in the printing of fake registration certificates, driving license etc.

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and his brother-Zakir circulates counterfeit currency notes in the market and that he was waiting for a customer near HP Petrol Pump of Pingwa. On the basis of the information, the place was raided and a person was apprehended, who disclosed his name as Zakir. On his search, 05 counterfeit currency notes of Rs.2000/- each, a forged registration certificate and a forged driving license were recovered. Some other documents were also found in his possession. He disclosed that his younger brother, Mubba @ Mubarik, prints fake certificates and currency notes. Punhana Jimmy @ Jamshed circulates a counterfeit currency notes in the market.

5. Counsel for the petitioner has contended that the petitioner has been falsely implicated and he has been neither named in the FIR nor any allegation has been leveled against him. He submits that no recovery has been effected from the petitioner and he deserves to be released on bail.

6. Per contra, learned State counsel, upon instructions, has opposed the petition and has submitted that the due to the non-cooperation of the petitioner and his absence, the proceedings before the learned Judicial Magistrate have practically come to a standstill.

7. I have heard counsel for the parties and considered their respective submissions.

8. A perusal of order dated 10.07.2023, Annexure P-3, as well as the interim orders passed by the learned Judicial Magistrate shows that the petitioner was released on regular bail by the Trial Court by order dated 23.04.2018, however, he absented from the proceedings and his bail order was cancelled on 07.08.2019. He appeared before the Trial Court on 07.11.2019, and was allowed fresh bail on imposition of penalty of

Rs.1,000/-. Once again, in November, 2019, he absented himself and warrants were issued for his arrest, but they could not be executed. Eventually by order dated 23.01.2023, proclamation proceedings were initiated and he was declared as a Proclaimed Offender on 29.03.2023. He surrendered before the Court on 08.05.2023 and has been in custody since then. Proceedings show that due to the non-cooperation of the petitioner, even the charge has not been framed. Petitioner, who has been evading the process of law and does not deserve any concession.

9. In view of the above factual position, this Court is not inclined to exercise its discretionary power and enlarge the petitioner on bail.
10. Finding no merit in the petition, it is hereby dismissed.
11. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

13.09.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No