

**104 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-45791-2023 (O&M)
Date of Decision: 13.12.2023**

Rajiv @ Raju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Ms. Rosi, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 Cr.P.C seeking pre-arrest bail in FIR No. 95 dated 09.02.2023 registered under Section 25 of Arms Act, 1959 at Police Station, Bhiwani Sadar, District Bhiwani.

2. Learned counsel for petitioner contends that he has been falsely implicated merely on account of the fact that petitioner is facing other criminal cases.

3. *Per contra*, learned State counsel while opposing the prayer, submits that petitioner is involved in nine cases of different nature; thus, having criminal antecedents does not deserve the concession of pre-arrest bail.

4. Heard learned counsel for the parties and perused the paper-book.

5. On the basis of secret information, present FIR was registered and co-accused Lakhan was arrested with two country made pistols. During investigation, above Lakhan made disclosure that he had purchased the weapons from present petitioner.

6. In response to notice of motion, affidavit dated 22.11.2023 of Ramesh Kumar, HPS, Deputy Superintendent of Police (HQ), Bhiwani has already been filed and para 9 of the same reads as under:-

“9. That the present petitioner is a habitual offender and the following cases found registered against the accused/present petitioner:-

(i). FIR No.757 dated 22.12.2017 under Sections 195-A, 506, 34 IPC PS Sadar Bhiwani- Status- Pending adjudication.

(ii). FIR No.665 dated 07.11.2017 under Sections 307, 34, 120B, 506 IPC & 25 of Arms Act, PS Sadar, Bhiwani-Status-Pending adjudication,

(iii) FIR No. 968 dated 01.12.2019 under Section 174A PS Sadar Bhiwani- Status – Pending adjudication.

(iv) FIR No. 403 dated 29.03.2016 under Section 25 of Arms Act, PS City Bhiwani- Status—Pending adjudication.

(v) FIR No. 37 dated 16.02.2019 under Sections 419, 420, 467, 471, 120-B IPC PS Civil Lines, Bhiwani-Status – Pending adjudication.

(vi) FIR No. 15 dated 15.01.2020 under Sections Arms Act, Industrial Area- Status- Pending adjudication.

(vii) FIR No. 74 dated 28.01.2019 under Section Arms Act, PS City Bhiwani- Status – Pending adjudication.

(viii) FIR No. 232 dated 29.03.2019 under Sections 302, 201, 120-B IPC and 25 Arms Act, PS Sadar Bhiwani- Status – Pending adjudication.

(ix) FIR No. 59 dated 17.03.2023 under Section 25 of Arms Act, PS Civil Lines, Bhiwani- Status- pending adjudication.”

7. In view of the above, it appears *prima facie* that petitioner is habitual for indulging in such activities; therefore, this Court does not deem it appropriate to grant him the concession of pre-arrest bail.

- 8. In view of above, there is no option except to dismiss the petition.
- 9. Ordered accordingly.
- 10. It is made clear that observations made above be not construed as an expression of opinion on the merit of case in any manner.
- 11. Pending application(s), if any, shall also stand disposed off.

13.12.2023
SN

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No