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2023:PHHC: 137814

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

CRM-M-46405-2023

Date of decision : 17.10.2023

Rahul

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

DEEPAK MANCHANDA, J.

Through this second petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 228 dated 28.04.2022 under Sections 148, 149, 186, 332, 353, 324, 224, 225, 342, 506, 379-B IPC and Section 3 PDPP, Act registered at Police Station Sadar Nuh.

Learned counsel for the petitioner submits that the earlier bail application of the petitioner was dismissed as withdrawn vide order dated 10.02.2023 and now present second bail application is being filed keeping in view the long incarceration and since there is no progress in trial. He again submits that after withdrawal of the earlier bail application, till date out of 23 total witnesses not even a single witness has been examined.

Learned counsel contends that the petitioner, who is in custody since 27.05.2022 i.e. 01 year four months and 22 days, has been falsely implicated in the present case. The petitioner has been apprehended on the secret information and the alleged incident occurred in the house of one Sadik

but not in the house of the present petitioner. It further argued that two of the co-accused have already been granted regular bail by the Session's Court itself but the same has been denied to the petitioner. It is contended that the challan stands presented though charges are yet to be framed as out of total 23 witnesses, none has been examined till today. Learned counsel further contends that two co-accused namely Mubarik and Talim alias Talib have been granted concession of bail by the Court below (Annexure P-3 and P-4) and the conclusion of trial will take sufficient time, therefore, the petitioner prays to be enlarged on bail.

Custody certificate filed by the respondent-State is taken on record. Even though learned counsel appearing on behalf of respondent- State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the recovery effected from the petitioner is huge as one AK-47 magazine and 20 live cartridges of AK-47 have been recovered from the petitioner and he is a habitual offender since 22 other cases are also pending against him.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 27.05.2022.

As per the prosecution, the petitioner is gangster and is involved in serious crime and 22 cases have already been registered against him. The role of the present petitioner is distinguishable as the other co-accused, who have already been granted the concession of regular bail by the trial Court, were not having any criminal antecedents, but the petitioner is having criminal antecedent of 22 cases registered against him. Moreover, in the present case, the recovery of alleged weapon has been effected from the petitioner.

Keeping in view the antecedent of the petitioner being habitual offender and against whom, 22 cases has already been registered, this Court is not inclined to grant the concession of regular bail to the petitioner.

Accordingly, the present bail petition is hereby dismissed.

(DEEPAK MANCHANDA)
JUDGE

17.10.2023
seema/vanita

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