

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

243

2023:PHHC:159150

CRM-M-50195-2023 (O&M)

Date of decision: December 12th, 2023

Niyamat @ Gaggal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.P. Jangu, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.190 dated 26.11.2022 registered under Sections 147, 148, 149, 323, 325, 452, 506, 186, 307, 395, 397, 120-B of the IPC (Sections 332 and 353 IPC deleted later on) and Section 25 of the Arms Act, registered at Police Station Bahin, District Palwal.

2. Learned counsel for the petitioner, *inter alia*, contends that the falsity of the allegations levelled in the FIR in question is evident from the fact that as many as 95 persons had been named therein for allegedly attacking the complainant party during the Panchayat Elections. Learned counsel submits that it was on account of a political rivalry that the petitioner had been falsely implicated in the instant case. He further submits that since the petitioner has now been in custody for six months having been arrested on 12.06.2023 and the investigation is complete, his further incarceration would serve no useful purpose.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite for extending the concession of bail to the petitioner. She has placed on record the custody certificate of the petitioner, wherein it stands reflected that the petitioner is involved in as many as four other criminal cases. Learned State counsel, on further instructions, has submitted that the petitioner was part of an unlawful assembly and all the accused were armed with lethal weapons with which they launched an unprovoked attack on the complainant party as well as on the staff, which was manning the elections of the Sarpanch.

4. On a pointed query put to the learned State counsel as to what was the stage of trial, she has submitted that charges have not yet been framed and are likely to be framed on the next date of hearing. It has also been pointed out by learned State counsel that the petitioner has not approached this Court with clean hands as his criminal antecedents have been withheld from this Court. Learned State counsel has submitted that the involvement of the petitioner in various cases has been detailed in the custody certificate but has been withheld in the instant petition by him.

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

6. In the facts and circumstances as enumerated hereinabove, coupled with the role attributed and the criminal antecedents of the petitioner, this Court is not inclined to extend the concession of bail to him, more so since the prosecution evidence has not yet commenced.

The instant petition is dismissed.

7. 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.

December 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No