

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

106

**2023:PHHC:157343**

CRM-M-61879-2023

Date of decision: December 8<sup>th</sup>, 2023

Rahees

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Mohd. Salim, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.616 dated 31.12.2019 registered under Sections 379, 420 of the IPC (Sections 392, 397, 34 IPC and Section 25 of the Arms Act, 1959 added later on and Sections 379, 420 IPC deleted subsequently), registered at Police Station Sector 50, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR in question and had been nominated as an accused on the basis of a disclosure statement suffered by co-accused Tasleem. He submits that thus, it is evident that the petitioner has been falsely implicated in the case in hand. It has been further submitted that the delay in the lodging of the FIR further raises a big question mark about the authenticity of the allegations levelled in the FIR in question, which has been annexed as Annexure P-1. Learned counsel submits that no recovery is to be effected from the petitioner. However, he is ready and willing to join investigation.

3. Notice of motion.

4. On the asking of the Court, Ms. Trishanjali Sharma,

Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

5. Learned State counsel has opposed the prayer and submissions made by the counsel opposite for extending the concession of anticipatory bail to the petitioner. She submits that the petitioner is a man of criminal antecedents, which is evident from the fact that there are as many as three other FIRs registered against him, which read as under:-

|    |                                                                                                                              |
|----|------------------------------------------------------------------------------------------------------------------------------|
| 1. | FIR No.355/2018 at P.S. City Gurugram.                                                                                       |
| 2. | FIR No.360 dated 17.10.2019 under Section 395 IPC, P.S. DLF Phase-II, Gurugram.                                              |
| 3. | FIR No.642 dated 17.10.2019 under Sections 395, 397, 412 IPC and Section 25 of the Arms Act, P.S. Sohana, District Gurugram. |

6. She has submitted that it is apparent that the petitioner had misused the concession of bail granted to him in the other criminal cases, which were registered against him as he had been involved in the crime in question while he was on bail. She has further submitted that the petitioner stole the mobile phone of the complainant and after obtaining the UPI password, had transferred a huge amount of money in the sum of ₹1,26,495/- into the accounts of the co-accused, on whose disclosure statement, he came to be nominated as an accused in the case in hand. She submits that the custodial interrogation of the petitioner is required and hence, the instant petition be dismissed.

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

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner, who, without a doubt, comes across

as a man of criminal antecedents.

9. The instant petition, therefore, stands dismissed.

10. 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.

11. At this stage, a request has been made by the learned counsel for the petitioner that the petitioner is willing to appear and surrender before the trial Court and, therefore, he be protected till then.

12. In view of the prayer made by the learned counsel for the petitioner, petitioner is directed to appear and surrender before the trial Court on or before 12.12.2023. Till then, no coercive steps shall be taken against the petitioner. However, it is made clear that in case the petitioner fails to surrender before the Court below within the above stipulated time period, this protection shall cease to be in operation, thereafter.

**December 8<sup>th</sup>, 2023**

*Puneet*

**(MANJARI NEHRU KAUL)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No