

300

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1415-2024
Date of decision : 16.01.2024

Hakam ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.157 dated 25.06.2021 registered under Sections 332, 353, 186, 224, 225, 511, 427 and 307 of IPC and Sections 25 of the Arms Act, 1959 and Section 3(2) of Prevention of Damage to Public Property Act, 1984, registered at Police Station Sadar Tauru, District Nuh, wherein the petitioner has been implicated for having attacked the police party which visited the village Chilawali District Nuh, in order to apprehend an accused namely Daud S/o Sumer Khan @ Summa.
2. Learned counsel for the petitioner submits that the petitioner was never involved in the alleged incidents but was merely implicated on

account of his past antecedents.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that there has been concealment of facts in the present petition as the petitioner is involved in 14 other criminal cases out of which in 11 cases, he is facing trial whereas in 3 other cases, the petitioner stands convicted, though in the present petition the particulars of only 5 cases have been mentioned. Learned State counsel further submits that such kind of incidents are very common in District Nuh and the residents of adjoining villages never allow the police officials to perform their official duties of apprehending the culprits.

4. I have heard learned counsel for the parties and gone through the paper book and unable to find any substance in the submissions made on behalf of the petitioner.

5. Although, the petitioner has undergone incarceration of about 11 months and 27 days, he is involved in 14 other criminal cases under different provisions of IPC and Arms Act, besides having played active role in the FIR in question wherein he stopped the police officials from performing their official duties of apprehending accused namely Daud s/o Sumer Khan @ Summa. The petitioner in the present case along with co-accused attacked the police party, thereby causing damage to their vehicle, wherein three of them were even injured.

6. As per the custody certificate, the petitioner is involved in 14 FIRs, the details of which are given as under:-

Serial No.	Particulars of the cases
1.	FIR No.378/2012 dated 16/09/2012, U/s 148 IPC, 149 IPC, 353 IPC, 186 IPC, 307 IPC, 25-54 A.Act, P.S. Dharuhera, Rewari
2.	FIR No. 144/2023 dated N/A, U/s 174-A, IPC, PS: Dharuhera, Rewari
3.	FIR No. 355/2020 dated N/A U/s 379-A IPC, PS: Tosham, Bhiwani
4.	FIR No. 629/2022 dated N/A, U/s 174-A IPC, PS: Tosham, Bhiwani
5.	FIR No. 29/2022 dated 18/01//2022, U/s 457, 380 IPC, 34 IPC, PS: Bilaspur, Gurugram
6.	FIR No. 323/2012 dated 06/11/2012, U/s 379 IPC, PS Manesar, Gurugram
7.	FIR No. 8/2022 dated 05/01/2022, U/s 457, 380 IPC, PS: Bhondsi, Gurgram
8.	FIR No. 55/2022 dated 21/02/2022, U/s 457, 380 IPC, PS: Sohna, Gurugram
9.	FIR No. 83/2022 dated N/A, U/s 457, 380 IPC, PS: Bhondsi, Gurugram
10.	FIR No. 1/2023 dated N/A, U/s 25 (1B) A.Act, PS Sohna, Gurugram
11.	FIR No. 354/2020 dated 26/07/2020, U/s 395 IPC, 458 IPC, 506 IPC, 427 IPC, 120-B IPC, 397 IPC, 25-54-59 A.Act, PS: Tosham, Bhiwani
12.	FIR No. 739/2019 dated 29/11/2019, U/s 379 IPC, 489 IPC, PS City Sohna, Gurugram
13.	FIR No. 738/2022 dated N/A, U/s 174-A IPC, PS Tosham, Bhiwani
14.	FIR No. 503/2018 dated N/A, U/s 379 IPC, PS Sector-10A, Gurugram

7. Moreover, the gravity and seriousness of the incident in addition to the manner in which the offence has been committed; in the present case the grant of bail will leave adverse impact on the society at large as well as on the moral of the investigating agency.

8. Considering the totality of the facts and circumstances of the case in hand and the nature and manner in which the offence was committed, I do not find any ground to entertain the present petition.
9. Accordingly, the instant petition is hereby dismissed.

(HARKESH MANUJA)
JUDGE

16.01.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No