

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10876 of 2023

Date of decision: 6th March, 2024

Azad @ Timani

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saleem Ahmad, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.201 dated 04.05.2019 under Sections 148, 149, 307 IPC; Section 25, 54, 59 of the Arms Act, 1959; Section 13 of the Haryana Gaurvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 (Section 429 IPC added later on) registered at Police Station Sector 58, Faridabad. This is the second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the present case for his alleged involvement in cow smuggling. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned counsel has submitted that a bare perusal of the same reveals that no specific

allegations have been leveled against him. It has also been submitted that on 13.07.2020, the petitioner was granted the concession of bail by the learned trial Court, however, since he absented on one date, the bail was cancelled. The petitioner, after being re-arrested, has been in custody since 10.10.2022, however, there is no likelihood of the trial concluding in the near future as even charges have not yet been framed; therefore, since challan stands presented further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Mohd. Aslam, has submitted that the petitioner is a man of criminal antecedents and is a habitual offender, which is evident from a perusal of the custody certificate, which has been placed on record today. Learned State counsel, while drawing the attention of this Court to the custody certificate, has submitted that the petitioner is involved in 14 other criminal cases including cases of similar nature; furthermore, after being granted the concession of regular bail, not only had the petitioner absconded previously but during the time when he had absconded, he had been involved in some more cases of similar nature. Learned State counsel has also submitted that a specific secret information had been received qua the petitioner, and in the FIR also he had been named. Learned State counsel has further submitted that the next date of hearing

fixed before the trial Court is 28.03.2024, when charges are likely to be framed.

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

5. Prima facie, the petitioner does come across as a habitual offender. A perusal of the custody certificate reveals his involvement in a number of criminal cases including cases of similar nature. Moreover, the petitioner, after being granted the concession of bail in the present FIR on 13.07.2020, not only absconded but also misused the said concession by being involved in some other criminal cases. Even otherwise, the petitioner was specifically named in the FIR in question, pursuant to which he was arrested by the police. In the facts and circumstances, as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner. The petition as such stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

March 6, 2024

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No