

2024:PHHC:080573



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

**CRA-S-1160-2024 (O&M)
DECIDED ON: 02.04.2024**

PARDEEP @ MINI @ MEENU
.....APPELLANT

VERSUS

STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate
 for the appellant.

 Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The present appeal has been preferred by Pardeep @ Minia @ Meenu-appellant for the grant of regular bail in case FIR No. 339, dated 03.06.2022, under Sections 302, 323, 34 and 506 of the Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Adampur, District Hisar, Haryana.
2. The present case was registered on the allegations that the elder daughter of the complainant performed love marriage with one Jai Bhagwan and on account of the said reason, one year prior to the present occurrence, complainant's son Shubham was assaulted by co-accused Sagar, Kewal etc. On 02.06.2022, Shubham had gone to Peer Ki Dargah Khara Barwala. When his son was going to his friend's house namely Gautam and reached near the house of Numberdar Prithi, on swift car of white colour came from which Sagar son of Hanuman and Kewal

son of Pandu alighted and they assaulted Shubham with rods and dandas. On hearing noise raised by Shubham, passersby gathered and assailants fled away.

3. It has been contended by learned counsel for the appellant that he is not even named in the FIR and his name surfaced only in the disclosure statements of the co-accused namely Sagar and Kewal, which is not admissible. He further contends that apart from bald disclosure statement there is nothing on record to connect him in the commissioning of offence. Moreover, the swift car that was used in the occurrence does not belong to the appellant and the recovery of danda has been falsely planted upon him.

4. Learned State counsel has filed the custody certificate of the appellant, which is taken on record. He has submitted that seven other criminal cases are pending against the petitioner under various provisions of Indian Penal Code including Sections 302, 307, 506, 364 and 365 IPC. He, therefore, prayed for rejection of the bail application.

5. Heard learned counsels for the parties and perused the record.

6. The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered *inter-alia*, relate to *prima-facie* involvement of the accused, nature and gravity of the charge, severity of the punishment, and the **character**, position and standing of the accused.

7. A perusal of criminal record reveals that the appellant is involved in seven other cases, meaning thereby, he is habitual offender. The Apex Court in case

“GudikantiNarasimhulu vs. Public Prosecutor, High Court of A.P”; (1978) 1

SCC 240, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

8. The High Court of Judicature for Rajasthan Bench at Jaipur in the case of Vijay Kumar Meena Vs. State-2008 (4) RLW 3041, has held as under:

"Although pendency of a criminal case as such may not always be a bar for grant of bail, but if it is shown that in spite of indulgence repeatedly shown by the Court, an accused has been continuously misusing such liberty and involving himself time and again in similar and other nature of offences, this may by itself be a reason for refusal of bail. And that can be done if the Court on the basis of material on record is satisfied that the accused has been repeatedly involving himself in so large number of cases arid at such regular intervals, that he can be safely treated as a habitual offender. Grant of bail no doubt is an issue which concerns the liberty of a citizen. But at the same time, if an accused is shown to frequently and habitually indulge himself in commission of crimes one after the other and becomes a menace to the society, that liberty is required to be balanced against the larger interest of the society. Apart from merits of the case, when it is shown that he has been committing offences with impunity in such a manner that letting him free would again expose the society to the offences that such habitual offender might again commit, the bail application of such an accused can be refused on consideration of his antecedents alone."

9. The period of imprisonment, being only 11 months and 18 days, is not such a magnitude as to push the Court towards granting bail in an offence of this nature.

10. In view of seriousness and gravity of allegations against the appellant, the material contained in the case diary and he being an habitual offender; but, without expressing any opinion on the merits of the case, this Court is not inclined to enlarge the petitioner on bail.

11. The instant petition is dismissed accordingly.

(SANDEEP MOUDGIL)
JUDGE

02.04.2024

Sham

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