

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

**CRM-M No.32497 of 2021 (O&M)
Date of Decision: 05.03.2024**

Rahul Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Nasu Jameel, Advocate for
Mohammad Arshad, Advocate for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present fourth petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking bail pending trial in FIR No.749 dated 30.10.2017, under Sections 5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015; Section 11 of the Prevention of Cruelty to Animals Act, 1960; Sections 279, 336, 307, 420, 411 of the Indian Penal Code, 1860 & Section 25 of the Arms Act, 1959, registered at Police Station Nuh, District Nuh Mewat.

(2) The allegations, in brief, are that on 30.10.2017, the police received information that some persons, namely, Rahul (petitioner), Sakeel,

Javed, Sahid, Doni @ Wasim, Sabbir & Salim are involved in cow slaughtering and are in the process of transporting cows in Tata-407 vehicle bearing registration No.RJ-05SV-7385. Thereafter, a barricade (*Naka*) was accordingly set up by the police. A signal was given by the police to the driver of the said vehicle to stop it, however, the driver did not pay any heed; rather, tried to flee along with the said vehicle. The policemen chased and in the meanwhile, some of the occupants of the Tata-407 vehicle fired gunshots on the police officials with an intention to kill them. The Tata-407 vehicle ultimately collided with a wall in Village Adbar. All the occupants, namely, Sakeel (driver), Doni @ Wasim, Rahul (petitioner), Javed, Sahid, Sabir and Salim jumped out of the vehicle and tried to flee. Petitioner fired a gunshot from his country made pistol at EASI Satbir; but he ducked and managed to save himself. Co-accused Wasim @ Doni also fired a gunshot at the police party. All the accused managed to flee; but were identified by the secret informer. Upon checking the vehicle, four cows, three calves, one ox and one live cartridge were recovered.

(3) Status Report by way of an affidavit dated 04.03.2024 of Sh. Surender Kumar, DSP, Nuh has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 09.02.2022 and the same is still continuing; hence, he prayed that order dated 09.02.2022 be made absolute and petitioner be granted bail till the completion of trial.

(5) *Per contra*, learned State counsel while opposing the prayer submitted that after releasing the petitioner on interim bail, he is found

involved in 03 more criminal cases and reference in this regard has been made to para 8 of the status report dated 04.03.2024. Learned State Counsel also submitted that petitioner is a habitual offender; as apart from above 03 cases, he is involved in 27 more criminal cases and there are 07 convictions already recorded against him.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by this Court on 09.02.2022 and the same is still continuing. Learned counsel for the petitioner is not able to dispute that after granting interim bail, petitioner is found involved in 03 more criminal cases and which are as under:-

Sr. No.	Case Details
1.	FIR No.158 dated 22.03.2022, under Sections 323, 341, 34, IPC, Police Station Sadar Nuh.
2.	FIR No.464 dated 25.09.2023, under Section 42 of the Prisoners Act, Police Station Sadar Nuh.
3.	FIR No.76 dated 23.02.2023, under Sections 323, 506, 34, IPC, Police Station City Nuh.

(8) It is also discernible from Para 7 of the status report (*supra*) that petitioner is a previous convict in 07 cases and he is facing 27 other criminal cases of different nature and which are as under:-

SR. NO	CASE DETAIL
1.	FIR NO.295 DATED 18.05.2018 US 279,336,307 IPC 5/13(2),17 HGS & GS ACT, 11-59-60 AC ACT, 25-54-59 A ACT PS NUH
2.	FIR NO.169 DATED 22.03.2018 US 323,324,365,511,34 IPC PS NUH
3.	FIR NO.749 DATED 30.10.2017 us 279,336,186, 323,353,307 IPC 5/13(2),17 HGS & GS ACT,11-59-60 AC ACT 25-54-59 A ACT PS NUH
4.	FIR NO.534 DATED26.10.2017 US 279,336,186,323,353,307 IPC 5/13(2) ,17 HGS & GS ACT,11-59-60 AC ACT 25-54-59 A ACT PS NUH
5.	FIR NO.268 DATED 25.04.2017 US 3/13(1),8/13(3) ,17 HGS & GS ACT PS NUH

6.	<i>FIR NO.107 DATED 04.03.2017 US 279,336,379B, 506 IPC,25-54-59 A ACT PS NUH</i>
7.	<i>FIR No.95 DATED 23.02.2017 us 279,332,336,353, 429,120B IPC 5/17 HGS & GS ACT 11-59-60 AC ACT 25-54-59 A ACT PS NUH</i>
8.	<i>FIR NO.575 DATED 26.11.2015 US 457,380 IPC PS SOHNA DISTT. GURUGRAM</i>
9.	<i>FIR NO.586 DATED 29.11.2015 US 457,380 IPC PS SOHNA</i>
10.	<i>FIR NO. 127 DATED 09.03.2012 US 302,201 IPC PS NUH</i>
11.	<i>FIR NO.231 DATED 23.05.2018 US 186,332,353,307,427 IPC HGH & GS ACT PS DHARUHERA</i>
12.	<i>FIR NO.54/2015 US 382 IPC PS MUJESAR FARIDABAD</i>
13.	<i>FIR NO.437/2015 US 147,148,149,307 IPC,25-54-59 A ACT PS TIJARA RAJ.</i>
14.	<i>FIR NO.438/2015 US 147,148,149,307 IPC,25-54-59 A ACT PS TIJARA RAJ.</i>
15.	<i>FIR NO.732/2015 US 395 IPC PS SADAR ALWAR</i>
16.	<i>FIR NO.731/2015 US 395 IPC PS SADAR ALWAR</i>
17.	<i>FIR NO. 382/2015 US 279,337,379 IPC PS BHIWARI ALWAR</i>
18.	<i>FIR NO.436/2017 US 379 IPC 379 PS BILASPUR</i>
19.	<i>FIR NO.242/2018 US 380 IPC PS CITY NARNAUL</i>
20.	<i>FIR NO.710/2017 US 143,307,332,353,379,411 IPC PS BHIWARI ALWAR</i>
21.	<i>FIR NO.173/2017 US 25-54-59 ARMS ACT HGS ACT PS CITY SOHNA</i>
22.	<i>FIR NO.176/2017 US 153,295,307 IPC, 25-54-59 A ACT CITY SOHNA</i>
23.	<i>FIR NO.99/2018 US 332,353,307 IPC PS KOSLI REWARI</i>
24.	<i>FIR NO. 87/2017 US 379 IPC CITY REWARI</i>
25.	<i>FIR NO. 158 DT. 22.03.2022 U/S 323,341,34 IPC PS Sadar Nuh</i>
26.	<i>FIR NO. 464 of 2023 US 42 Prisoners Act PS Sadar Nuh</i>
27.	<i>FIR NO. 76 of 2023 US 323,506,34 IPC PS City Nuh</i>

(9) In view of the above, it is apparently clear that petitioner is a habitual offender and he has no respect for the rule of law. Thus, in such a scenario, this Court is not inclined to grant bail pending trial to the petitioner. As a result thereof, there is no option except to dismiss the petition.

(10) Ordered accordingly.

(11) Needless to say that interim order dated 09.02.2022, extended from time to time, shall come to an end with the dismissal of this petition. Learned trial Court is requested to expedite the proceedings, if there is no legal impediment and progress report in this regard be sent to the Registry by 31.07.2024.

(12) The above observations may not be construed as an expression of opinion on merits of the case in any manner.

(13) Pending application(s), if any, shall also stand disposed off.

5th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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