

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30284-2023(O&M)
Date of decision: 07.05.2024

Sharvan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Pundir, Advocate for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr.P.C. for grant of bail pending trial to petitioner in FIR No. 271 dated 21.07.2015, under Sections 420, 379 of Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station, Farakpur, District Yamunanagar.

- (2) Allegations are that petitioner along with other co-accused changed ATM card of complainant-Virender Kumar and, thereafter, withdrew an amount of Rs. 24,00,000/- in three different transactions on 18.07.2015 and 19.07.2015.
- (3) Contends that petitioner has been falsely implicated in the present case and he was nominated only on the basis of disclosure of co-accused. Further contends that though, petitioner was declared as proclaimed person on 20.01.2023, but his non-appearance on 02.11.2022 and 20.01.2023 was not intentional, as he was confined in another case.
- (4) Custody certificate dated 05.05.2024 has been produced, which is taken on record.
- (5) *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner while submitting that he is not appearing before learned

trial Court and involved in numerous criminal cases. Learned State counsel further submits that there are 16 more cases pending against the petitioner and he has been convicted in 07 cases. Further submits that if petitioner is granted bail, there is every likelihood that he shall misuse the concession and hamper the trial.

(6) Heard learned counsel for both sides and perused the paper book.

(7) Perusal of the custody certificate dated 05.05.2024 reveals that there are 16 cases pending against the petitioner and which are as under:-

Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	506/2023	174-A IPC	City Jagadhri, Yamunanagar	Pending
2.	69/2013	420, 379, 504, 506 IPC	Bargaon, Saharanpur	Pending
3.	277/2013	25-A Arms Act	Charthawal, Muzaffarnagar	Pending
4.	276/2013	307 IPC	Charthawal, Muzaffarnagar	Pending
5.	70/2013	307 IPC	Bargaon, Saharanpur	Pending
6.	33/2009	2,3 Gangster Act	Kotwali Roorkee, Haridwar	Pending
7.	675/2022	420, 379, 411 IPC	Deobandh, Saharanpur	Pending
8.	121/2017	420 IPC	City-I, Malerkotla, Sangrur	Pending
9.	113/2009	420, 411 IPC	Kotwali Roorkee, Haridwar	Pending
10.	297/2017	420, 411, 34 IPC & 66B Immoral Trafficking Act, 66CD Immoral Trafficking Act	Jhabreda, Haridwar	Pending
11.	419/2012	420, 411, 406 IPC	Jwalapur, Haridwar	Pending
12.	213 dated 20.12.2015	174-A, 229 IPC	Radaur, Yamunanagar	Pending
13.	30/2020	174-A IPC	City Jagadhri, Yamunanagar	Pending
14.	30/2020	174-A IPC	Radaur, Yamunanagar	Pending
15.	114/2009	420, 411 IPC	Kotwali, Roorkee, Haridwar	Pending
16.	27 dated 23.02.2015	420 IPC	Radaur, Yamunanagar	Pending

(7.1) Apart from above, petitioner is a previous convict in the following cases:-

Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	436/2015	379, 420, 511 IPC	City Jagadhri, Yamunanagar	Convicted
2.	14/2020	174-A IPC	Radaur, Yamunanagar	Convicted
3.	299/2019	174-A IPC	Farakpur, Yamunanagar	Convicted
4.	13/2020	174-A IPC	Radaur, Yamunanagar	Convicted
5.	60 dated 16.03.2023	174-A IPC	Radaur, Yamunanagar	Convicted
6.	58 dated 10.03.2023	174-A IPC	Radaur, Yamunanagar	Convicted
7.	44 dated 02.03.2023	174-A IPC	Farakpur, Yamunanagar	Convicted

(8) In view of the above, it is quite evident that petitioner is habitual offender. Moreover, in the present case also, he has actively participated in the commission of crime; therefore, no ground is made out to grant him bail pending trial, at this stage.

(9) Consequently, there is no option except to dismiss the petition.

(10) Ordered accordingly.

(11) Observations made above, be not construed as an expression of opinion on merits of the case; rather confined only to present petition.

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

07.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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