

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33725 of 2023 (O&M)
Date of decision: 16th January, 2024

Rishipal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lajpat Rai Sharma, Advocate the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.32 dated 17.01.2022, registered under Sections 419, 420, 467, 468 and 120-B IPC (Section 201 IPC added later on) at Police Station Civil Lines Hisar, District Hisar.

2. Learned counsel for the petitioner inter alia submits that false and exaggerated allegations have been leveled against the petitioner of having identified a fake surety Jai Bhagwan in a case pending before the trial Court at Hisar, wherein a foreign national had been extended the concession of bail in a case registered under the Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner is also seeking parity with his co-accused Shera who has since been extended bail by a Coordinate Bench of this Court, and who was the alleged fake surety.

Learned counsel submits that after the petitioner was arrested on 28.02.2022, only 4 witnesses out of the 13 cited by the prosecution had been examined and hence, there was no likelihood of the trial concluding in the near future. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has vehemently submitted that the petitioner is a man of criminal antecedents, which is evident from the fact that he has been actively involved in such like offences not only in Hisar but even in Kurukshetra, where also he had falsely identified a fake surety and the accused was granted the concession of bail, but subsequently, absconded. In support of her submissions, learned State counsel has drawn the attention of this Court to the affidavit of Satpal Yadav HPS, DSP Detective Hisar dated 28.08.2023 and in particular, has referred to para No.6 of the said affidavit. Learned State counsel has further submitted that in the instant FIR, besides falsely identifying a fake surety, the petitioner had also forged the Aadhaar card of one Jai Bhagwan and impersonated him. She has thus, urged that in view of his criminal antecedents, it is evident that the petitioner is also taking the trial Court for a ride for which he does not deserve to be extended the concession of bail.

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

5. In the facts and circumstances as enumerated hereinabove coupled with the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed.

6. 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

January 16, 2024
rps

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