



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

CRM-M No.41228 of 2024
Date of decision: 27th August, 2024

Raseed

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.50 dated 08.02.2024 under Section 379 of the IPC (Sections 201, 34, 411 IPC added later on) registered at Police Station Central Faridabad, District Faridabad.

2. Learned counsel submits that the petitioner has been falsely implicated in the present case for allegedly partnering co-accused Aarif and thereafter, converting the stolen motorcycles into scrap and selling them off. Learned counsel submits that the petitioner's innocence is supported from the fact that he was not named in the FIR in question nor was there any suspicion raised qua his involvement in the alleged offence. On a pointed query put to the learned counsel as to whether he has any criminal antecedents, he has not denied the same, however, it has been submitted that the petitioner has been falsely implicated in those cases as well, and that too after registration of the present FIR.

3. Notice of motion.

4. Ms. Trishanjali Sharma, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the State.



5. Learned State counsel has, at the outset, submitted that the petitioner has failed to come clean with respect to this involvement in all the criminal cases, which are pending against him. She has submitted that in fact the petitioner is involved in ten other criminal cases of similar nature. Learned State counsel further submits that the petitioner is a habitual offender and the extent of his complicity in the crime in question needs to be uncovered, which could be possible only after subjecting him to custodial interrogation. A prayer has, therefore, been made for dismissal of the instant petition.

6. I have heard learned counsel for the parties and perused the relevant material on record including the FIR, which has been reproduced herein below:

“To SHO, Police Station Central SEC-12, Faridabad sir, I request that I am Arvind Kumar son of Shri Bachchan Singh resident of village Bukharpur Tehsil Ballabhgarh, Faridabad I work in BHAYA FOR my employer has given me motorcycle no.HR 29 AL 4442 ENGINE NO.HA10ERGHC62340 CHASSIS NO.MBLHA10CGGHC62755 MODEL NO 2016 COLOUR BLACK SPLENDER PLUS for going to the field, which I parked in front of SILVER CITY MALL at around 5:00 PM, when I reached to take the motorcycle to go home at around 7:45 PM, I did not find my motorcycle, I have been searching for it till now, some unknown person has stolen my motorcycle and taken it away, legal action should be taken against him and my motorcycle should be searched. Applicant Arvind Kumar”

7. Prima facie, the petitioner indeed comes across as a habitual offender and this Court concurs with the prayer made by the learned



State counsel for declining the prayer for grant of the extraordinary concession of anticipatory bail to the petitioner as his custodial interrogation would be necessitated in the present case, more so since he is involved in as many as ten more cases of similar nature, as detailed herein below:

- 1. FIR NO-50 DT-08.02.24 U/S 379,34 IPC PS CENTRAL
- 2. FIR NO-58 DT-14.02.2024 U/S 379,34,201,411 IPC PS CENTRAL
- 3. FIR NO-98 DT-07.02.2024 U/S 379,34 IPC PS SECTOR 58 FBD
- 4. FIR NO-52 DT-11.02.2024 U/S 379,34 IPC PS CENTRAL
- 5. FIR NO-56 DT-14.02.2024 U/S 379,34 IPC PS CENTRAL
- 6. FIR NO-56 DT-07.02.2024 U/S 379,34 IPC PS KOTWALI
- 7. FIR NO-59 DT-15.02.2024 U/S 379,34 IPC PS CENTRAL
- 8. FIR NO-48 DT-07.02.2024 U/S 379,34 IPC PS CENTRAL
- 9. FIR NO-20 DT-16.01.2024 U/S 379,34 IPC PS CENTRAL
- 10. FIR NO-29 DT-23.01.2024 U/S 379,34 IPC PS KHERIPUL

8. In the facts and circumstances as enumerated hereinabove, the petition 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

August 27, 2024
rps

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