

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

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2024:PHHC:002107

CRM-M-60906-2023

Date of decision: January 8th, 2024

Mohammad Irshad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in case FIR No.140 dated 25.08.2023 under Sections 147, 148, 149, 186, 332, 353, 307, 225 and 224 of the IPC and Section 25 of the Arms Act registered at Police Station Bichhore, District Nuh Mewat.

2. On the last date of hearing while issuing notice of motion, following order was passed:-

“Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner, who had been named as an accused in another FIR bearing No.132 dated 01.08.2023 registered at P.S. Bichhore. Learned counsel submits that as per the allegations levelled, when the police went to arrest him in the aforementioned case, his family members attacked the police party and helped him to escape from the police. Learned counsel for the petitioner further submits that it is highly improbable that he could have managed to escape in the presence of the police party.”

3. Learned State counsel, on instructions from ASI Tek Chand, has vehemently opposed the prayer made by the counsel opposite for grant of anticipatory bail to the petitioner. It has

been vehemently argued that the petitioner is a man of criminal antecedents with cases registered against him not only in the State of Haryana but also in the State of Uttar Pradesh under the Explosives Act, Arms Act and for various offences under the Indian Penal Code. It has been further submitted that when the police party came to arrest the petitioner in another case, his family members attacked the police party to get him released and in the melee that ensued, he escaped from the spot and the police party was assaulted by his family. Learned counsel has submitted that in the wake of the allegations levelled against the petitioner, coupled with his criminal antecedents, his custodial interrogation is required, more so as they would like to trace the source of the illegal weapons which were used by him and his family in the occurrence in question.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.
5. In the facts and circumstances as enumerated hereinabove, particularly in the light of his criminal antecedents, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner as his custodial interrogation would indeed be required.
6. The instant petition stands dismissed.
7. 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.

January 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No