

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

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**2024:PHHC:021305
CRM-M-62327-2023
Date of decision: February 14, 2024**

DHARAMBIR SINGH
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana
with SI Shamsher.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.321 dated 15.10.2023 (Annexure P-1) under Sections 323, 452, 506, 34 of the Indian Penal Code, 1860, registered at Police Station Chhachhrauli, District Yamuna Nagar.
2. Learned counsel for the petitioner *inter alia* contends that a false case has been planted upon the petitioner due to a civil dispute between the complainant and a cousin of the petitioner, which is pending for adjudication before a Civil Court at Bilaspur, Yamuna Nagar. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted that the delay of 4 days in the lodging of the FIR in question further lends credence to a false and fabricated version having been brought forth against the petitioner that he along with 5 other persons, after trespassing into the hospital of the complainant, threatened him of dire consequences, physically assaulted him and further threatened that they would get his hospital

bulldozed. It has still further been submitted that no specific role, much less any injury, has been attributed to the petitioner in the occurrence in question.

3. Mr. Nitish Kumar Vasudeva, Advocate has put in an appearance on behalf of the complainant and filed his Power of Attorney in the Court today, which is taken on record.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. It has been submitted that the petitioner is a man of criminal antecedents; he has previously been convicted in 2 criminal cases, however, the said fact has been withheld from this Court.

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

6. *Prima facie*, the petitioner comes across as a habitual offender as it is a matter of record that he stands convicted in 2 criminal cases, coupled with the fact that 2 criminal cases of similar nature are pending against him. In the wake of the criminal antecedents of the petitioner coupled with the allegations levelled against him, he does not deserve to be extended the extraordinary concession of anticipatory bail.

7. The petition stands dismissed.

8. 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.

February 14, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No