

2024:PHHC:004132

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101 CRM-M-62867-2023
Date of Decision.:12.01.2024

Rizwan Petitioner
Vs.
State of Haryana and Another Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Saurabh Sharma, Advocate
for respondent No.2.

DEEPAK GUPTA, J. (ORAL)

On 14.12.2023, following order was passed by this Court:-

“The petitioner has filed the present (3rd) petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No.179 dated 10.07.2022 registered under Sections 148, 149, 323, 452, 506 and 307 of IPC at Police Station Pinangwa, District Nuh (Mewat).

At this stage, Mr. Saurabh Sharma, Advocate has put in appearance on behalf of respondent No.2 (injured-Juned) and filed his power of attorney in the Court which is taken on record.

Earlier, the petitioner approached the learned Sessions Judge, Nuh by filing an application for grant of anticipatory bail under Section 438 of Cr.P.C. which was rejected vide order dated 29.10.2022 (Annexure P-1). The said order was challenged before this Court by filing petition bearing No.CRM-M-57492-2022 which was dismissed as withdrawn vide order dated 23.03.2023 (Annexure P-3). Thereafter 2nd petition bearing No.CRM-M-16344-2023 seeking anticipatory bail was preferred by the petitioner before this Court which was rejected by this Court vide detailed order

dated 19.04.2023 (Annexure P-4). The petitioner has now filed the instant (3rd) petition seeking anticipatory bail on the basis of an affidavit of the injured namely Juned dated 11.11.2023 (Annexure P-10) wherein he has stated that in the fight, name of Rizwan s/o Usman (the present petitioner) was incorporated on account of misunderstanding and on account of party factions in the village and now he do not know anything about his injury and therefore, it is prayed that name of Rizwan s/o Usmaan be deleted since he has nothing to do with the said fight.

Perusal of the record shows that the anticipatory bail preferred by the petitioner was rejected by learned Sessions Judge, Nuh vide order dated 29.10.2022; his first petition filed before this Court for grant of anticipatory bail was dismissed as withdrawn vide order dated 23.03.2023 and his second petition was dismissed vide order dated 19.04.2023. Despite rejection of the anticipatory bail preferred by the petitioner, the police has not taken any steps to arrest the petitioner although the FIR was registered on 10.07.2022 and a period of about 01 year and 05 months have elapsed. It appears that undue benefit is being given to the petitioner by the police.

Let Superintendent of Police, Nuh shall file an affidavit within a period of 02 weeks specifying therein as to what steps have been taken by the police after anticipatory bail of the petitioner was rejected by learned Sessions Judge, Nuh on 29.10.2022 and the said order being upheld by this Court on 19.04.2023.

Adjourned to 12.01.2024.”

In compliance of the aforesaid order, affidavit of Shri Narender Bijarnia, IPS, Superintendent of Police, Nuh has been filed on behalf of respondent- State which reveals that since the date of dismissal of the bail application by Sessions Judge, Nuh and after dismissal of the earlier petition by this Court, repeated raids on different dates have been conducted so as to

apprehend the petitioner but he could not be found.

Having noticed all the facts and circumstances as mentioned in the order dated 14.12.2023 and considering the affidavit filed today, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

January 12, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No