

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16828-2015 (O & M)
Date of decision:26.05.2015

Om Parkash Yadav

...Petitioner(s)

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Kapil Aggarwal, Addl.A.G., Haryana.

Mr. Gaurav Jindal, Advocate, for the complainant.

Rajan Gupta, J. (oral)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to petitioner in a case registered against him vide FIR No.226 dated 02.05.2015 under Sections 323/427/506/380 and 34 IPC, at Police Station Central Faridabad, District Faridabad.

Learned counsel for petitioner submits that there is nothing on record to connect the petitioner with crime. The shop in question was lying vacant. Besides, there was encroachment therein. According to him, there is no evidence to show that JCB machine was used for demolishing the shop.

Learned State counsel has opposed the prayer for pre-arrest bail. According to him, the custodial interrogation of the petitioner is required for finding registration number of the JCB machine used in the crime and name of the driver. Besides, recovery of goods which were lying in the shop at the time of demolition has also to be effected.

I have heard learned counsel for the parties. Allegation in the complaint is that a JCB machine was used for demolishing the shop in question. As a result, goods worth ₹20-25 lacs went missing. JCB machine used is stated to be without any number plate. There is no clue regarding driver of the machine. Under the circumstances, no case for concession of pre-arrest bail is made out as custodial interrogation of the petitioner may be necessary.

Dismissed.

26.05.2015

sukhpreet

**(RAJAN GUPTA)
JUDGE**