

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

CRM No.M-25919 of 2015

Date of decision:21.01.2016

Hakam & another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sanjeev Kadian, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.182 dated 10.06.2015, under Sections 411/420/201 IPC, registered at Police Station Hathin, District Palwal.

Case of the prosecution is that based on secret information, Male Khan main accused was apprehended and found in possession of a white colour stolen bolero vehicle. The present petitioners are sought to be implicated on the disclosure statement of Male Khan.

While issuing notice of motion, the following order was passed by this Court on 14.09.2015:

“It is inter alia argued that the name of petitioners Hakam and Rafiq do not figure in the FIR and that the only semblance of evidence is disclosure statement of the co-accused which is a debatable issue.

Notice of motion for 26th November, 2015.

Meanwhile, in the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) Cr.P.C.”

On subsequent date of hearing i.e. on 26.11.2015, learned State counsel had made a statement that the petitioners have not joined investigation. Such stand was rebutted by counsel for the petitioners by referring to an application moved before the concerned Illaqa Magistrate as regards being made to join investigation.

During the course of resumed hearing, learned State counsel, who is upon instructions from ASI Sayeed Ahmad would submit that even though petitioners have joined investigation on 15.12.2015 but they are not cooperating in the matter and are not disclosing the relevant information with regard to engine number, chasis number as also the forged registration number affixed on the stolen bolero vehicle.

Suffice it to observe that even as per secret information received by the police, it was not the present petitioners, who had stolen the vehicle. Such vehicle has been recovered from the premises of Male Khan, It is upon disclosure statement of Male Khan that the present petitioners are sought to be implicated. It would be understandable that if the petitioners are not involved with the theft of the vehicle in question, they would not be in a position to respond to the queries pertaining to the engine number, chasis number and registration number of the vehicle.

Under such circumstances, petitioners are held entitled to the concession of anticipatory bail.

Petition is allowed. Order dated 14.09.2015 passed by this Court is made absolute.

Disposed of.

21.01.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE