

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

Sr. No. 206

**C.R.M-M No.34402 of 2016
Date of Decision :14.12.2016**

Rahul

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.K.Yadav, Advocate
for the petitioner.

Mr. Satish Saini, D. A.G., Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.167 dated 30.04.2016 registered under Sections 380 IPC at P.S.Sampla, District Rohtak.

As per the allegations, the complainant was driving back from Delhi to Fatehabad and he stopped to have food and found that a bag containing 02 phones, 02 rings of 10-10 gms, 02 kadas of 30 gms, 01 set weighing 20 gms etc was missing.

As per the prosecution, the petitioner had obtained a loan of Rs. 1, 80,000/- from Muthood Finance after pledging some of those ornaments.

Learned DAG states that complainant has identified the ornaments pledged by the petitioner as being his own.

Learned counsel for the petitioner has argued that as per the application given by the petitioner to the the bank bangles were pledged which were 30 gm each and consequently the identification of the same by the complainant has to be discounted. There is no objective evidence against the petitioner and no other case is pending against him.

Counsel for the petitioner further states that pursuant to the order dated 03.10.2016, the petitioner has joined the investigation and is not required for custodial investigation.

Learned DAG on instructions from Investigating officer has accepted this fact.

Consequently, the order dated 03.10.2016 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

The present petition stands disposed of accordingly.

December 14 , 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No