

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

CRM-M-36225 of 2017

Date of Decision: 12th October, 2017

Sunil

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dishant D. Tuneja, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The petitioner-Sunil has invoked the provisions of Section 438 Cr.P.C seeking anticipatory bail in case bearing FIR No.505 dated 28.04.2016 under Sections 380,457 IPC Police Station, Panipat City. The brief allegations are that complainant Jai Singh Saini made a report to the Police that during the night of 27.04.2016 when he and his family members were sleeping in the house, certain persons committed lurking house trespass and from the Almirah in the house took away Rs.1 lac cash, two gold bangles of 05 tolas, gold chain of gents having locket of Mata, two gold rings of gents, ladies gold earrings, Tops, three gold rings, silver anklet along with other articles and Rs.30,000/- cash from ladies purse and an amount of Rs.12,000/- from gents purse, CD Player from Ritz car parked

within the house after getting the key from the room and also took away key of his bank locker leading to registration of the present case. It was during the course of investigations in another case bearing FIR No.130 dated 11.4.2016 under Sections 457,380 IPC pertaining to Police Station Madlauda which had been registered and accused Rajiv, Sagar and Kuldeep were arrested and on their disclosure statements articles, subject matter of the present case have been recovered and that is how the name of the petitioner cropped up.

The contentions of the learned counsel for the petitioner that the petitioner has not been apprehended at the spot nor was identified and has sought to put to doubt the veracity of the statement, its legality and acceptability being that of his co-accused .

Learned State counsel has opposed the grant of bail to the petitioner and has placed on record six similar FIRs registered against the petitioner for similar offences in Districts of Jind, Panipat and Karnal and submits that the petitioner belongs to inter-State gang and that the heinousness of the offence and seriousness of the allegations does not calls for grant of bail to the petitioner as the recovery by way of custodial interrogation of the petitioner needs to be made and that the investigations are still at crucial stage.

Going through the arguments of learned counsel for the parties and keeping in view the criminal track record of the petitioner, his involvement and recovery of the articles on the statements of his co-accused lend credence to the allegations of the prosecution. Since the investigations are at crucial stage, custodial interrogation of the petitioner is very much essential and that the provisions of Section 438 Cr.P.C are to

be sparingly used thus, no ground to allow the present application is made out.

Dismissed.

October 12th 2017
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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No