

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

CRM-M-45143-2017 (O&M)

Date of decision: January 24, 2018

Sachin Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Ms. Tanushree, Deputy Advocate General, Haryana.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 379, 328 IPC at Police Station Sector 18, Gurugram, vide FIR No.420 dated 11.11.2017.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offence and he has been implicated falsely in the present case on the basis of concocted facts in connivance with the police.

Prayer has been opposed by learned State counsel. According to her, petitioner has committed theft of Rs.1,66,000/- and mobile of the complainant and his custodial interrogation is required to effect recovery of the same. Thus, he is not entitled to concession of pre-arrest bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Brief factual background of the case is that complainant Ramesh Chand working as Area Manager in Westech Security Pvt. Ltd., Gurugram had received a telephone call on 9.11.2017 from some unknown person (petitioner herein) with regard to recruitment as a guard. The complainant called him in his office on 10.11.2017. Petitioner desired for a cum of tea, on which complainant gave him Rs.20/-. Both of them consumed tea. After taking tea, complainant became unconscious. He regained consciousness at 8.15 P.M. When he checked his bag, he found Rs.1,66,000/- and his Samsung Mobile missing. On the basis of these allegations, FIR was registered against the petitioner.

Keeping in view the serious allegations against the petitioner, I am of the considered view that he is not entitled to concession of pre-arrest bail. The allegations against the petitioner are that he after administering intoxicant substance in the tea to the complainant, committed theft of the aforesaid amount as well as mobile phone. Custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 24, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No