

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19009-2019 (O&M)

Date of decision: 04.10.2019

Amit Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.516 dated 18.12.2018 under Sections 201, 378, 379, 380, 381, 411, 436, 445, 446, 454, 457 IPC, registered at Police Station Kurukshetra University, Kurukshetra.

While granting interim bail to the petitioner, following order was passed by this Court on 07.05.2019: -

“...Learned counsel for the petitioner submits that petitioner is in long employment of Shree Geeta Kunj Ashram, Jyotisar, District Kurukshetra and was working as a Sweeper.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, Swami Mukta Nand, Head of the Ashram, had left on 07.11.2018 and returned on 06.12.2018. A day prior to her arrival, her residential premises was opened for the

purpose of cleaning and it was found that entire room is burnt in fire and a cash of Rs.8 Lakh was stolen from the room.

Learned counsel for the petitioner further submits that in fact there are as many as fifty employees in the Ashram and none of them had seen the fire incident wherein a room was put on fire and the job of the petitioner was only to do the cleaning of the room and he was not the incharge of the estate of the Ashram and the keys remained with the Manager who has got registered the present FIR.

Learned counsel for the petitioner further submits that during investigation, the police is heading towards a conclusion that an amount of Rs.2,16,500/- was given by the petitioner to one Gaurav Gill for the purpose of purchasing a second hand Swift Dezire car and, therefore, the petitioner has committed the theft.

Learned counsel for the petitioner has relied upon the bank account statement of the petitioner with the Punjab National Bank, VPO Jyotisar to submit that much prior to the date of incident, the petitioner was receiving the amount by way of transfer from his parents, starting from June, 2017, for the purpose of purchasing a car and he has paid the aforesaid amount to the seller of the car from the amount received from his parents.

Learned counsel for the petitioner further submits that the car was purchased on an affidavit and the police has not conducted scientific investigation of the case regarding fire incident and everything has been put on the petitioner.

Learned State counsel, on instructions from ASI Bisham Singh, submits that he is the Investigating Officer of the case who is conducting the investigation. It is further stated that CCTV of the Ashram was switched off and only statement of Manager was recorded so far.

After hearing learned counsel for the parties, I find that the matter needs to be further investigated into by a Special Investigating Team (SIT) to be constituted by the Superintendent of

Police, Kurukshetra and to be headed by a senior officer.

Ordered accordingly.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on the basis of status report by way of affidavit of Deputy Superintendent of Police, Kurukshetra and on instructions from ASI Mahi Pal, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 07.05.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

04.10.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No