

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

**Crl. Misc. No.M-40002 of 2019 (O&M)
Date of Decision: November 15, 2019**

Bajinder

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Bairagi, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.426 dated 30.08.2019 registered for the offences punishable under Sections 380, 457 of Indian Penal Code, at Police Station Indri, District Karnal.

Heard.

As per the case of prosecution, a theft took place in the shop of complainant on the intervening night of 29.08.2019/30.08.2019. The matter was reported to the police and during investigation, four accused were arrested and recovery of certain articles and cash stolen from the shop was effected from their possession.

Learned State counsel submits that petitioner has been

nominated by all the four accused in their disclosure statements., who have stated that he was present with them at the time of commission of offence. Complainant has also named the petitioner in his supplementary statement recorded during the investigation of the case. Police has yet to recover stolen amount of ₹40,000/-, packets of cigarette, Biri and some other stolen articles from the petitioner. Granting of anticipatory bail to the petitioner will hamper further investigation of the case.

Learned counsel for the petitioner submits that petitioner is ready to join the investigation. His name has come in the statements of co-accused. There is no other case registered or pending against the petitioner.

In such type of cases, there could not be any eyewitness of the occurrence and the police has to investigate the case on the basis of circumstantial evidence on taking clue from the co-accused. No reason has come forth for false implication of the petitioner. Custodial interrogation of the petitioner will assist the police in proper investigation of the case as the recovery of money and some stolen articles is yet to be effected.

Keeping the above facts in view, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

November 15, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***