

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

**204**

**CRM-M-23143-2020  
Decided on : 30.10.2020**

Umesh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through  
video conferencing, as per instructions.)

**G.S. Sandhawalia, J. (Oral)**

The petitioner in the present petition filed under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No.198 dated 11.06.2020 under Sections 379A IPC and Section 25 of Arms Act, 1959 registered at Police Station Hodal, District Panchkula (Annexure P-1).

Counsel for the petitioner has submitted that the petitioner has been falsely involved on the basis of the statement made by co-accused Nitin and, therefore, the benefit of anticipatory bail should be granted. He submits that there is a delay in lodging of the FIR, since the incident of 28.05.2020. He further submitted that the petitioner is not named in the FIR and allegation in the FIR was that there were three unknown persons.

Counsel for the State has pointed out that the petitioner has been named on the basis of the statement made by co-accused Nitin, and the CCTV Footage, which was obtained from nearby petrol pump. The mobile phone had been recovered from Nitin, but the gold jewellery looted is yet to be recovered. It is submitted that the persons were stated to be unknown

and suspicion was on the co-villagers and, therefore, the delay had occurred in lodging of the FIR. He further points out that there are as many as three FIRs of similar nature registered against the petitioner, which fact is rebutted by the counsel for the petitioner that he stands acquitted in two of the cases.

In the additional affidavit filed by the State, it has also come on record that the complainant had identified the co-accused Nitin and he has no relationship as such with the present petitioner.

The allegations as such are of serious in nature to the extent that at gun point, the complainant had been divested of his valuables. It is the settled principle that the anticipatory bail is to be granted only where malafides or false implications are made out. The antecedents of the petitioner as such are not clean, as noticed admittedly it is not the first case against him.

Accordingly, this Court is of the opinion that the petitioner is not entitled for grant of regular bail as recovery and investigation can only be completed by way of custodial interrogation. The petitioner cannot be as such better placed than co-accused Nitin, who is in judicial custody and challan has also been presented against him.

Accordingly, in view of the above, the present petition is dismissed.

**OCTOBER 30, 2020**

*Naveen*

**(G.S. SANDHAWALIA)  
JUDGE**

Whether speaking/reasoned:  
Whether Reportable:

Yes/No  
Yes/No