

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

213

CRM-M-30163 of 2020
Date of Decision: 27.11.2020

Jamshida

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case F.I.R. No.644 dated 31.12.2019 under Section 380 IPC (offence under Sections 395 and 412 was added later on, whereas offence under Section 380 IPC was deleted), registered at Police Station Tauru, District Nuh.

As per FIR, on 22.12.2019, the security guard Haroon, informed the complainant, who is working as Manager in Leel Electricals company that 10-15 unknown persons have stolen the company goods by entering into the company. Thereafter, search was made of these unknown persons and stolen goods but nothing was found.

Learned counsel for the petitioner has argued that the name of

the petitioner does not figure in the FIR. The present FIR has been registered after the delay of 40 days. The petitioner is innocent. Two accused namely, Juber and Azad have been granted bail by the trial Court, vide orders dated 30.01.2020 and 26.06.2020 (Annexures P-3 and P-4).

Learned State counsel has submitted that apart from the present FIR, there are three other cases against the petitioner i.e. FIR No.244 of 2018 under Section 379 IPC, at Police Station Punhana, District Nuh, FIR No.564 of 2019 under Sections 380, 411 IPC, at Police Station Tauru, District Nuh and FIR No.59 of 2019 under Section 379 IPC, at Police Station Rojka Meo, District Nuh.

Learned State counsel has filed the reply by way of affidavit of Sudhir Taneja, HPS, Deputy Superintendent of Police, HQ, Nuh, wherein it has been submitted that the petitioner had played active role in crime and she is one of the conspirator who made plan for committing dacoity and sold the stolen articles to the scrap dealer.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious, as 10-15 unknown persons came to the company and they over-powered the security guard and took away the aluminium sheets, radiators, coppers and brass-leaf in a pickup van in forcible manner and has also threatened the security persons of dire consequences. The accused Ashok Kumar is scrap dealer and was arrested on 27.12.2019 in FIR No.564 under Sections 380 and 411 IPC, registered at Police Station Tauru. He has admitted his involvement in the case and apart from admitting his involvement in this FIR, he has disclosed that the petitioner along with other co-accused have sold the stolen articles i.e. 29 radiators and 16 boxes of aluminium leafs/plates and

the articles were got recovered from the godown of the scrap dealer Ashok Kumar.

Keeping in view the fact that the allegations against the petitioner are serious and there are other cases also registered against the petitioner, no case is made out to grant anticipatory bail to the petitioner.

Accordingly, the petition is dismissed.

27.11.2020

D.Bansal

**(HARI PAL VERMA)
JUDGE**

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No