

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

CRM-M-32035-2020

Date of Decision:24.11.2020

Anwar Khan

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Ms. Rosi, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Alongwith the reply filed on behalf of the respondent-State, the disclosure statement alleged to have been made by the co-accused of the petitioner (namely Sakruddin), dated 14.09.2020, has been annexed, in which he has named the petitioner as the person who was stealing new tyres and fitting old tyres onto the vehicles as were parked in the parking belonging to said Sakruddin, with the said Safruddin also having admitted that he had accepted money from the petitioner.

Learned counsel for the petitioner therefore draws attention of this court to the order passed by this court (co-ordinate Bench) on 01.09.2020, in CRM-M-25397-2020, admitting the aforesaid Sakruddin to anticipatory bail.

She submits that despite Sakruddin's admission that he had also accepted money from the petitioner, he was granted that concession by this court and therefore the petitioner deserves to be treated at par.

Having considered the matter, I do not see how the petitioner and Sakruddin can be considered to be on the same footing, because even in the order passed in favour of Sakruddin, it has been observed that even the complainant named the petitioner as the person who was stealing the tyres, with Sakruddin in fact referred to as an eyewitness to the same.

Consequently, I find no reason to entertain this petition by which the petitioner seeks the concession of anticipatory bail and therefore, the petition is dismissed.

However, nothing observed hereinabove, or in any other order passed in this petition, would be taken to be an observation of this court on the merits of the case, with obviously the investigation and the trial to proceed in terms of the evidence gathered/led.

In the event of the petitioner being arrested, upon him filing any petition under the provisions of Section 439 of the Cr.P.C., naturally that would be decided wholly on its own merits.

November 24, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO