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

**CRM-M No.4043 of 2021
Date of Decision: 05.04.2021**

HANIF KHAN

.....Petitioner

Vs

STATE OF HARYANA AND ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition under Section 439(2) Cr.P.C. for cancellation of anticipatory bails granted to respondents No.2 and 3 vide orders dated 18.12.2020 (Annexure P-1) and 23.12.2020 (Annexure P-2) passed by the Additional Sessions Judge, Mewat at Nuh.

Anticipatory bails were granted to respondents No.2 and 3 after appreciating the prosecution story to the effect that on 03.12.2020, the complainant filed a complaint before the

Police regarding theft of some articles in his house. Complainant along with his wife left the village to meet his children on 21.11.2020 to Faridabad. On 23.11.2020, the complainant returned back alone and found that a person namely Aadil son of Isha was roaming near his house under suspicious circumstances. Aadil was again seen by the complainant roaming under similar circumstances for another 3-4 days. Wife of the complainant came back to the village on 25.11.2020 and she found her gold ornaments weighing about 10 *to/as* and silver ornaments weighing about 300 grams along with cash amount of Rs.95,000/- missing. The complainant apprehended that the theft was committed by Aadil along with his brother Robin Khan and father Isha as they were involved in many earlier cases of theft.

The Additional Sessions Judge, Nuh took note of the fact that lodging of FIR was delayed by 8 days. The wife of the complainant returned back home on 25.11.2020 and despite finding the missing articles from the house, the FIR was lodged only on 03.12.2020 i.e. after delay of 8 days. Nothing was mentioned in the FIR as to whether locks of any *Almirah*, trunk and doors were found broken. In these circumstances it was not believable as to whether anyone had entered the house after breaking open the locks of the main entrance door and

committed theft by breaking open the locks of any *Almirah* and trunk etc. It was not expected from the complainant to leave the house without putting locks on the main gate and *Almirah*, trunk etc. There is no recital to this effect in the FIR that the main gate, *Almirah* and entrance were properly locked by the complainant.

On the basis of aforesaid material, the Additional Sessions Judge, Nuh, granted anticipatory bail to respondents No.2 and 3. The impugned orders dated 18.12.2020 (Annexure P-1) and 23.12.2020 (Annexure P-2) cannot be found to be lacking on any legal infirmity. This petition is totally devoid of merit and is accordingly dismissed.

05.04, 2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No