

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

**CRM-M-9929-2020
Decided on: 05.08.2021**

Kadir

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

(The case has been taken up through Video Conferencing.)

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J (ORAL)

This petition under Section 438 Cr.P.C. for seeking grant of anticipatory bail has been filed by the petitioner-accused in case FIR No.40 dated 13.02.2019, registered under Section 380 & 457 of IPC at Police Station Sadar, District Yamuna Nagar.

Briefly stated the facts as per the prosecution story are that the complainant-Sinha Sahib Luthra working as Supervisor in Sinha Sahib Nisha Security Pvt. Ltd., had submitted a written complaint to SHO, Police Station Sadar, Yamuna Nagar contending therein that their company provides security to Indus Towers located in village Ratanpur. On intervening night of 12/13.02.2019, some unknown persons had stolen 41 cells and by loading those in a Bolero Mahindra Pick up vehicle bearing registration No. HR 67A 4477, they had escaped.

After registration of the FIR, investigation in the case started. During investigation, accused was nominated in this case being one of the culprits. Apprehending his arrest, he had approached the Court of Sessions, Yamuna Nagar at Jagadhri by filing application for anticipatory bail, however, his such application

was dismissed vide order dated 06.02.2020. Thereafter, he knocked at the door of this Court claiming for grant of similar relief which prayer is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Pre arrest bail is a discretionary equitable relief and is to be granted by the Court to protect the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation.

In the instant case, the petitioner was granted interim bail vide order dated 05.03.2020 with certain conditions, one of which was that he shall make himself available for interrogation by Police Officer as and when required. However, as informed by the State counsel, on instructions from HC Nirmal Singh, the petitioner has not joined the investigation till date.

Learned counsel for the petitioner states that the petitioner has neither contacted him nor given any instructions to him in that regard. Therefore conduct of the petitioner clearly disentitles him to relief of pre-arrest bail.

Learned Additional Sessions Judge, Yamuna Nagar at Jagadhari in her order has mentioned that the petitioner is involved in four more criminal cases, though she has given the details of two cases as FIR No.18 dated 14.02.2019 under Sections 307, 285 of IPC and Sections 25/54/59 of Arms Act, Police Station Buria, and FIR No.40 dated 13.02.2019 under Sections 457/380/201 of IPC, Police Station, Jathlana.

That goes to show that the petitioner has criminal bent of mind. The custodial interrogation of the petitioner is found to be necessary for complete and effective investigation and if the same is denied to the investigation agency, that will leave many loopholes and lacunae in the case adversely affecting the

investigation, which is totally uncalled for. Therefore, the petition is doomed for failure and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

05.08.2021
Dinesh

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