

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

**CRM-M-9932-2020
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.08 dated 14.01.2019, registered under Section 380 of IPC at Police Station Jathlana, District Yamuna Nagar.

Briefly stated the facts as per the prosecution story are that Pushpinder Singh, Security Supervisor with V.K. Internitil Company, Yamuna Nagar at Jagadhri had submitted a written complaint with police of Police Station Jathlana contending therein that his company works under ATC company. ATC company has installed its tower in village Khajuri and on 10.02.2019 at around 02.00 a.m., on hearing sound of alarm, he noticed that some unknown persons had stolen 24 battery cell from the tower. Formal FIR was registered on the basis of that complaint. The investigation in the case started. Alishan and Wakib Ali-accused were arrested in this case. During investigation they disclosed that Mobin son of Liyakat, Chhota @ Sehzaad son of Ali Hussan and Sufiyan son of Rakam besides

petitioner were also involved in the incident. In that way, the petitioner was nominated. He had approached the Court of Sessions at Yamuna Nagar at Jagadhri by filing an application for pre-arrest bail, which was assigned to Additional Sessions Judge, Yamuna Nagar at Jagadhri, who had dismissed the same vide order dated 06.02.2020, as such, the petitioner has approached this Court. When the petition came up for hearing on 05.03.2020, the petitioner was granted interim bail on certain conditions, one of which was that he shall make himself available for interrogation by Police Officer as and when required.

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 Jagadhri 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, P.S. Sadar, Yamuna Nagar.

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