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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14287 of 2021 (O&M)

Date of decision: 17.08.2021

Mohd. Shuaib

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.K. Dahiya, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Karan Pathak, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.347 dated 24.07.2019 registered under Sections 380, 457 IPC (Sections 201/34 IPC added later) at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

Counsel for the petitioner has argued that the FIR was registered on the complaint of one Ravi Nagpal that he is doing the work of inserts carbide CNC tolling on a shop. On 24.07.2019, he received a call from a tea vendor namely Parveen that the lock of his shops were broken and some one has committed a theft in his shop. When the complainant reached at the shop, he found that the articles as detailed in the FIR were stolen. It is further argued that the police, during the investigation, has arrested one co-accused Asgar in another FIR No.198 wherein he has made a disclosure statement that he along

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with another co-accused Mustafa, Khalid and Farukh have committed the theft in the shop of the complainant. On the basis of the said disclosure statement, Mustafa was nominated as an accused and he was arrested and thereafter, on his disclosure statement, the petitioner was nominated in this case with the allegation that he has sold CNC kit to the petitioner. It is further argued that the petitioner has been nominated in the case after a gap of about more 1½ years and he is not involved in any other case and the only evidence against the petitioner is 02 successive disclosure statements of the co-accused and it will be a matter of trial whether the same are admissible in evidence or not.

Counsel for the State assisted by counsel for the complainant could not dispute the aforesaid factual position.

Counsel for the State has also not disputed that there is no other case against the petitioner and he is the first offender.

Counsel for the complainant has also argued that the recovery of some of the articles is yet to be effected.

Be whatsoever, considering the fact that the petitioner is the first offender; he is not involved in any other case and the primary charge against the petitioner is under Section 411 IPC for receiving stolen property, which is triable by the Court of Magistrate.

Accordingly, the present petition is allowed and In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. *He shall make himself available for interrogation by*

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a police officer as and when required;

2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. He shall not leave India without previous permission of the Court.

It will be open for the Investigating Officer to call the petitioner, by issuing an advance notice in writing, as and when required by him to join the investigation.

**(ARVIND SINGH SANGWAN)
JUDGE**

17.08.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No