

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

**CRM-M-23633 of 2021
Date of Decision: 14.07.2021**

Arif

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saleem Ahmed, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail in FIR No. 124 dated 19.4.2018, under Sections 392, 420 read with Section 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station, Ferozepur Jhirka, District Nuh.

The FIR was registered on the statement of Aslam Khan. It was stated that on 15.4.2018, photographs of Swift Dzire were sent to him on WhatsApp. The registration number of the car was RJ-42-CA-1250. The vehicle was for sale. On 18.4.2018, the complainant was called to Ferozepur Jhirka for taking the vehicle, on reaching there one person came on a motor cycle. He took the complainant and others to the kacha way near petrol pump, where three persons having country made weapons snatched cash of Rs. 2,73,000/-, three mobile phones, one gold chain, two gold rings and a purse containing driving licence, Aadhar Card, PAN Card and ATM card. During investigation, Shokin was arrested, on his disclosure statement the petitioner was nominated.

Learned counsel for the petitioner submits that the FIR is of the

year 2018 and the matter is being proceeded in 2021. It is a case of false implication. Even in three earlier FIRs, the petitioner was falsely implicated. Nothing is to be recovered and the petitioner is not named in the FIR.

Learned counsel for the State vehemently opposes the grant of anticipatory bail. The contention is that the petitioner is involved in three more cases of similar nature. The custodial interrogation is necessary in order to make recovery. Even identification of the petitioner is required to be done.

Learned counsel for the State submitted that before the production warrant could be taken, the petitioner got bail in three other FIRs hence could not be interrogated.

In the cases of such nature, it is not possible that the complainant would be knowing the accused thereby naming of every accused in the FIR. It is a case where on the pretext of selling an old car, the complainant was called to a place where in a pre-planned manner complainant and other were looted. In such cases, it is during investigation that the names surface. The evidentiary value of the disclosure statement cannot be gone at this stage. The recovery of snatched articles is yet to be made. There is no reason forthcoming from the petitioner for the false implication. The involvement of the petitioner in three other FIRs of similar nature is an indicator of his antecedents.

No case is made out for anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

14th July, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |