

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

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CRM-M-31965-2021

Date of Decision : August 10, 2021

RAHUL KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.117 dated 12.5.2021 under Sections 457, 380 IPC, registered at Police Station, Uklana, District Hisar.

As per the allegations contained in the FIR, a complaint was made by one Parveen son of Sh. Sunder Singh that when they were doing their work of agriculture on 11.05.2021 and after taking their meals, they slept at about 3 p.m. and heard a noise inside the house and when they saw the room was bolted from inside and due to the fear all the members raised a noise and thereafter, three boys came out and tried to run away but with the help of his brother, one person was apprehended who fell down from the wall and received injuries. They had committed the theft of entire jewellery and Rs.5,000/- were missing and entire household articles were scattered, in that 3 gold ganthi 4 tolas, 3 gold ring of man, 2

pair of jhanger (Payjab) 2 pair of ear ring, 2 pair toria silver, one gold thol, 3 tabij of gold, 2 handful, 2 pair of topas were not found. The person who was apprehended disclosed his name as Kuldeep @ Deepa and also told that other boy who had run away was Rahul @ Chhota i.e. petitioner.

The learned counsel for the petitioner has submitted that the petitioner was not involved in the present case and his name taken by the other co-accused, namely, Kuldeep @ Deepa and, therefore, he may be considered for grant of anticipatory bail.

On the other hand, Mr. Deepak Manchanda, learned Addl. Advocate General, Haryana has stated that he had received an advance copy of the petition and has also got instructions from the concerned IO. He has submitted that it is a case where the petitioner along with the other co-accused had committed a theft in the house and not only the jewellery but other articles were also stolen. He further submitted that even as per para 9 of the petition, the petitioner is involved in three other cases as well which includes the Arms Act. He submitted that recovery is yet to be made from the petitioner and also as per the disclosure statement of co-accused Kuldeep @ Deepa, the stolen articles are in possession of the petitioner and other co-accused, namely, Parveen and, therefore, custodial investigation was required in the present case.

I have heard learned counsels for the parties.

As per the FIR, the petitioner has been named although his name had come up in the disclosure statement made by co-accused Kuldeep @ Deepa, but the fact remains that the petitioner is also involved

in three other cases as the petitioner himself had stated in para 9 of the petition. Even as per the disclosure statement of co-accused Kuldeep @ Deepa, the stolen articles are still in possession of the petitioner and other co-accused, namely, Parveen. It is a case where one of the co-accused was apprehended at the spot out of total three boys who had come to commit the theft and out of which one is stated to be the petitioner. The case is still at the investigation stage and, therefore, no ground is made out for grant of the anticipatory bail to the petitioner.

In view of the above, the present petition is hereby dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 10, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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