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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33217 of 2021 (O&M)
Decided on: 10.11.2021

Sukhpal Singh Khipal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Neeraj Sharma, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No. 552 dated 14.07.2021 registered under Sections 381 and 120-B
IPC, at Police Station Yamuna Nagar City, District Yamuna Nagar,
Haryana.

The operative part of the order dated 17.08.2021, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“....Learned counsel for the petitioner submits that
as per allegations in the FIR registered at the instance of
complainant-Sanjay Kumar, it is stated that he is resident
of Mohali and he has employed co-accused namely
Harvinder Singh @ Happy. Both of them had gone to
Yamuna Nagar for doing some work as he is doing work of
jewellery and he was carrying 350 grams of gold at that*

time with him. They booked a room in the hotel and at night he found that Harvinder Singh @ Happy was not present and even the gold was not present. He tried to search him and found that his Innova car bearing registration No.PB-60-5050 was also not there.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Sanjay Kumar, it is stated that he is resident of Mohali and he has employed co-accused namely Harvinder Singh @ Happy. Both of them had gone to Yamuna Nagar for doing some work as he is doing work of jewellery and he was carrying 350 grams of gold at that time with him. They booked a room in the hotel and at night he found that Harvinder Singh @ Happy was not present and even the gold was not present. He tried to search him and found that his Innova car bearing registration No.PB-60-5050 was also not there.

Learned counsel for the petitioner further submits that the petitioner was nominated on the disclosure statement of the co-accused, wherein, he has stated that after committing the theft he has given the same to the petitioner.

Learned counsel for the petitioner further submits that the disclosure statement of the co-accused was recorded after a long lapse of time and in the intervening period the police has taken the police remand of Harvinder Singh @ Happy on three occasions, wherein, sometime he has stated that the gold is lying at Amritsar and sometime he stated that it is lying at Nander Sahib, Maharashtra.

Learned counsel for the petitioner further submits that the petitioner in fact is a Contractor and has relied upon his Income Tax Return for the year 2020-21 and has shown his income as Rs. 20,00,000/-.

Learned counsel for the petitioner further submits

that the petitioner is not involved in any other case and the allegation against the petitioner, if any, on the face of it are only of receiving the stolen property.

Learned counsel for the petitioner further submits that there is no call details between the co-accused Harvinder Singh @ Happy and the petitioner to show that they had any meeting of mind.

Notice of motion....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 17.08.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 17.08.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.11.2021
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No