

CRM-M No.37241 of 2021 (O&M)

Date of Decision : 09.09.2021

Irfan

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Rosi, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.184 dated 12.05.2021 registered under Section 381 IPC to which Sections 411 & 120-B IPC were added later on at Police Station Sadar Jhajjar, District Jhajjar.

3. Learned counsel contends that the petitioner has been falsely implicated on wholly extraneous considerations and that the petitioner has got nothing to do whatsoever with the commission of the offence.

4. Notice of motion.

5. Mr. Sandeep Singh Mann, learned Addl. AG, Haryana, accepts notice and vehemently disputes the plea of the petitioner by contending that there are specific allegations in the FIR by the Site Incharge, ECR Building Private Limited, Village Khalakpur of the petitioner having stolen iron rods and bags of cement by loading the same

on tractor No.HR76-C-9566, driven by co-accused /Jakir.

6. Learned State Counsel contends that apart from the allegations in the FIR, co accused Jakir, made a disclosure statement that out of 48 bags of cement and saria stolen by the petitioner and him from the site, 15 bags of cement had come to his share, while the remaining material had fallen to the share of the petitioner. Learned State Counsel further contends that the labourers, who loaded 48 bags of cement and saria on tractor bearing No.HR76-C-9566 have also made a statement that the material as referred to above was loaded by them on aforesaid tractor being driven by Jakir on the asking of the petitioner.

7. I have considered the submissions of learned counsel for the parties.

8. Admittedly, there is a specific allegation in the FIR of the petitioner having stolen bags of cement and iron rods from the site along with the driver of the tractor i.e. Jakir, who has been named as co-accused, besides co-accused Jakir on arrest has made a disclosure statement that 15 bags out of 48 bags of cement and saria stolen by the petitioner and him fell to his share, while the remaining material fell to the share of the petitioner. 15 bags of cement falling to the share of co accused Jakir are stated by learned State Counsel to have been recovered from the co-accused Jakir. In addition thereto, the labourers, who loaded 48 bags of cement and saria on tractor bearing No.HR76-C-9566 have made a statement that the material was loaded by them on the aforesaid tractor being driven by Jakir on the asking of the petitioner.

9. In the circumstances, I do not find any infirmity with the orders passed by the learned Addl. Sessions Judge, Jhajjar, dismissing the

petition for anticipatory bail as custodial interrogation of the petitioner is required for ascertaining the names of other accused if any involved, effecting recovery from the petitioner, as also to prevent the petitioner from fleeing from justice or interfering in the investigation.

10. In the circumstances, no orders for grant of pre-arrest bail are called for in the instant case.

11. ***Dismissed.***

(B.S. Walia)
Judge

09.09.2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>