

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

205

CRM-M-43961-2021

Date of Decision : November 25, 2021

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.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Arun Kumar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

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.24 dated 10.2.2021 under Section 379 of IPC, registered at Police Station, Sadhaura, District Yamuna Nagar.

As per the allegations contained in the FIR which was lodged on the basis of statement made by complainant-Vinod Kumar son of Kashi Ram that he has an agriculture land on mortgage and there is a room constructed over the land and engine fan attached to the tubewell has been installed in the fields. On 7.2.2021, in the evening he went to the fields and all the items were lying intact and he returned in the night. On 9.2.2021 at about 6.00 p.m. when he again visited the fields, he found the room was intact but the fan of the engine which was installed with

tubewell in the field was missing. When he enquired about the same and could not find it, hence, it was stolen.

The learned counsel for the petitioner has submitted that the petitioner was not involved in the present case as he was not named in the FIR and it was only on the basis of the disclosure statement of co-accused that his name had been nominated.

After notice of motion was issued by this Court, the State had a filed status report by way of an affidavit of DSP, Bilaspur (Yamuna Nagar) on behalf of the State of Haryana. While referring to the affidavit, the learned DAG, Haryana has submitted that during the course of investigation one Sarmeen was arrested on 4.4.2021 and during interrogation he had admitted the offence in the present FIR and he disclosed that he alongwith his brother Meen @ Ameen (petitioner) and brother-in-law (Jeeja) Paramjeet @ Padda had stolen fan of tubewell from the agriculture field in village Kaptan Majri and kept the fan in the house of Paramjeet @ Padda. The aforesaid Paramjeet @ Padda was arrested and he got recovered the fan of the tubewell. While further referring to para No.6 of the status report, the learned State counsel submitted that the petitioner is a habitual offender and there are 14 other cases in which he is involved and most of the cases pertain to theft. Para No.6 of the status report is reproduced as under:-

That it is also worth submitting here that in addition to present case following other criminal case are pending against petitioner:-

Sr. No.	FIR No.	Date	under Section	Police Station	Present status of case
1	24	10/02/21	379 IPC	Sadhaura	On bail
2	126	17/8/20	379 IPC	Pratap Nagar	On bail
3	61	02/03/21	457, 380 IPC	Sector 17, Huda, Jagadhri	On bail
4	71	07/10/20	457, 380 IPC	Sector 17, Huda, Jagadhri	On bail
5	643	16/07/20	457, 380, 411 IPC	City, Jagadhri	On bail
6	11	08/01/21	457, 380, 411 IPC	City, Jagadhri	On bail
7	5	05/01/21	457, 380, 411 IPC	City, Jagadhri	On bail
8	75	20/02/21	457, 380 IPC	City, Jagadhri	On bail
9	123	03/04/21	457, 380 IPC	City, Jagadhri	On bail
10	34	22/01/21	457, 380 IPC	City, Jagadhri	On bail
11	63	01/02/15	457, 380 IPC	City, Jagadhri	Acquitted
12	42	2021	379, 411, IPC	Mirjapur, District Saharanpur	On bail
13	49	2021	3/25 of Arms Act	Mirjapur, District Saharanpur	On bail
14	50	2021	414 IPC & 41/102 Cr.P.C.	Mirjapur, District Saharanpur	On bail

I have heard the learned counsels for the parties.

Although the allegations are pertaining to theft of an engine

fan and the offence is not of a high magnitude but taking into consideration the antecedents of the petitioner whereby he is involved in 14 other cases as enumerated above and most of them pertain to allegations of theft and one case pertains to Arms Act, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition being devoid of any merit is, hereby, dismissed.

November 25, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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