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

**CRM-M-52274-2021 (O&M).
Decided on: December 15, 2021.**

Chetan

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Nonish Kumar, Advocate,
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.255 dated 12.7.2021, under Section 379 IPC, registered at Police Station, Butana, District Karnal.

As per the FIR lodged on the basis of statement made by one Puneet Bansal, he is having a car Maruti Swift Desire of white colour in the name of his wife and the same is usually parked on the road in front of

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the shop. On 11.7.2021 at around 12 midnight his car was stolen between 1:00 AM to 4:00 AM and he saw in the morning that his car was not there and therefore, he enquired from the neighbourhood but the same could not be found. He stated that after breaking the mirror of conductor side some unknown person had taken away the car by stealing the same.

Learned counsel for the petitioner has submitted that in the present case the petitioner was nominated on the basis of disclosure statement of co-accused Shubham and recovery of car was also effected from him and therefore, the petitioner was falsely implicated in the present case. He further submitted that although there are two other cases against the petitioner but in those cases also he was falsely implicated.

Learned State counsel, on instructions from HC Manoj Kumar, has submitted that in the present case although the name of the petitioner was nominated in the FIR on the basis of disclosure statement of co-accused Shubham from whom recovery was made but it is a case where the name could not have been mentioned in the FIR because it was a case of theft and therefore, the petitioner cannot be permitted to take advantage of the same. He has submitted that considering the antecedents of the petitioner, whereby he is involved in two more cases of similar nature in District Kaithal and in view of the rising incidents of theft of cars, the custodial investigation of the petitioner was necessary and therefore, he has prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

Although the petitioner was nominated on the basis of

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disclosure statement made by co-accused Shubham but the antecedents of the petitioner that he was involved in other cases of theft of similar nature is also a matter of great concern. As per prosecution the car was parked by the complainant in the night and in the morning it was found that the car was not there and the window of the car was broken and therefore, there could not have been any occasion at the time of registration of the FIR to have named the petitioner or any other accused. It is only during the course of investigation that when co-accused Shubham was brought on production warrants, as per the learned State counsel, that he disclosed the name of the petitioner as well. The mere fact that recovery of car was not made from the petitioner cannot become a ground for the grant of anticipatory bail. Furthermore, considering the antecedents of the petitioner whereby he is involved in two more cases of similar nature of theft, he does not deserve the concession of grant of anticipatory bail.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

December 15, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No