

CRM-M-52969-2021

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

(103)

CRM-M-52969-2021.  
Date of Decision:-17.12.2021.

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

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Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

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**VIKAS BAHL, J. (Oral)**

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.287 dated 25.07.2021 under Sections 457 and 380 of IPC, registered at Police Station Ferozepur Jhirka, District Nuh.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and even as per the prosecution version, 40 bags of mustard seeds, which were allegedly stolen, had been recovered from co-accused Rahish, who was arrested on 28.07.2021 and it is on the basis of the disclosure statement of the said Rahish, that the present petitioner has also been implicated. It is submitted that there is no other evidence other than the disclosure statement of the co-

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accused to implicate the petitioner and the petitioner is not involved in any other case and the petitioner is at any rate, not required for custodial interrogation, as the alleged recovery has already been made.

On advance notice, Mr. Praveen Bhadu, learned AAG, Haryana notice, is fully prepared to assist this Court. He has opposed the present application for grant of anticipatory bail and has submitted that 40 bags of mustard seeds were stolen from the godown of the complainant Kewal Ram on 22.07.2021 and the recovery was made from the pick-up vehicle bearing Registration No.HR-61C-9642 and thereafter, Rahish was arrested on 28.07.2021 and it is on the basis of the disclosure statement of the said Rahish that the present petitioner has been implicated and has thus submitted that the petitioner is also involved in the offence. However, the other factors as far as recovery of the bags and that the petitioner is not involved in any other case, have not been disputed.

Keeping in view the above-said facts and circumstances, moreso, the fact the petitioner has been nominated on the basis of the disclosure statement of the co-accused Rahish and has been solely involved on the basis of the said disclosure statement and 40 bags of mustard seeds have already been recovered and the petitioner is not involved in any other case, the custodial interrogation of the petitioner would not be required and, thus, the present petition for grant of anticipatory bail deserves to be allowed.

Accordingly, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail on his furnishing bail/surety bonds to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under

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Section 438 (2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so, by the Investigating Officer/Investigating Officer.

In case the petitioner does not cooperate with the investigation, then it will be open to State to file an application for an application for cancellation of the anticipatory bail granted to the petitioner.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**(VIKAS BAHL)**  
**JUDGE**

**December 17, 2021.**

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No