

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

211

CRM-M-2035-2022

Date of Decision : **March 16, 2022**

RAJESH AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Pankaj Bali, Advocate
for the petitioners.

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.353 dated 5.8.2021 under Sections 380, 457 IPC, registered at Police Station Taraori, Karnal.

It has been submitted by the learned counsel for the petitioners that in pursuance of the order passed by this Court on 3.2.2022, the petitioners have joined the investigation and they have fully cooperated with the investigation process. He has, therefore, prayed that the interim order granting interim protection to the petitioners may be confirmed. He further submitted that it is a case where the names of the petitioners were nominated on the basis of the disclosure statement made by other co-accused and so far as the present petitioners are concerned, they are a scrap dealer and the other co-accused, namely, Pardeep is also

a scrap dealer and it was only because of the professional rivalry that the names of the petitioners were nominated on the basis of a disclosure statement made by the other co-accused. He submitted that there is no other case against both the petitioners and once the petitioners have already joined the investigation as per the learned State counsel then the interim bail granted to the petitioners may be confirmed.

On the other hand, the learned State counsel on instructions from HC Rajesh Kumar has submitted that both the petitioners have joined the investigation but they have not cooperated with the investigation process.

On a query being put to the learned State counsel as to what extent the petitioners have not cooperated with the investigation process, he has submitted that the petitioners have not disclosed with regard to the theft material i.e. Saria and as to where it has been kept.

However, in reply to the submission of the learned State counsel, it has been submitted by the learned counsel for the petitioners that it is a case where the petitioners have been falsely implicated and they have nothing to do with the present offence and their names were nominated on the basis of a disclosure statement made by other co-accused and the allegation of malafide has also been alleged against the other co-accused and, therefore, the objection raised by the learned State counsel is not sustainable to the effect that the recovery has not been made from the petitioners. He has submitted that the petitioners are not aware with regard to the theft material because they were not involved in the present case and such an objection was taken in a mechanical manner.

I have heard the learned counsels for the parties.

In pursuance of the order passed by this Court on 3.2.2022, the petitioners have joined the investigation and the objection raised by the learned State counsel that they have not cooperated with the investigation process has been adequately justified by the learned counsel for the petitioners. It was the case of the petitioners that the names of the petitioners were nominated on the basis of a disclosure statement made by the co-accused which is not admissible in evidence and, therefore, the objection raised by the learned State counsel that they have not disclosed the place of theft cannot become a ground for denial of the anticipatory bail to the petitioners.

In view of the above, the present petition is allowed and order dated 3.2.2022 is, hereby, made absolute.

(JASGURPREET SINGH PURI)
JUDGE

March 16, 2022

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