

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6431-2022
Date of Decision: 29.03.2022

Ritik @ Sita

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, 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 the grant of anticipatory bail to the petitioner in FIR No.676 dated 06.12.2021, under Sections 195-A and 506 IPC, registered at Police Station Sector 32-33, Karnal.

As per the allegations contained in the FIR which was lodged on the basis of a complaint made by one Dalbir Singh Maan that on 20.07.2018 a robbery was committed in their house in which Rs. 24,68,000/- were looted and thereafter the police had caught the accused persons and challan was also presented and the case was fixed for evidence on 09.12.2021. However, on 04.12.2021 one Rajat who was doing job with him and was a witness in the case received a phone call on the mobile number mentioned in the FIR by threatening Rajat not to depose as a witness in the aforesaid case. There were two witnesses in the present case

namely, Sachin and Rajat and both of them received independent calls from different persons and as per the allegations Rajat received threatening calls from the petitioner threatening him not to depose as a witness in the aforesaid case.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case because nothing has come in the investigation that the petitioner had given a phone call to any of the witnesses and in fact Rajat himself had executed an affidavit to the Investigating Officer that he has not received any call from the petitioner.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that a detailed reply has been filed in the present case and while referring to the reply filed, he submitted that during the investigation it was found after getting details from the Cyber Cell, DPO, Karnal that the petitioner had made a number of phone calls to Rajat and Sachin in which the petitioner and his co-accused Ankit Sharma have extended threats to the aforesaid witnesses namely, Rajat and Sachin in the case bearing FIR No.611 of 2018 and there are also recordings of the said calls which have been produced during investigation in the form of Pen Drive and CD consisting the conversations from the mobile number of the petitioner. He further submitted that in view of the aforesaid position, the matter is absolutely serious in nature that the petitioner had threatened the witnesses in a robbery case. He further referred to para 6 of the affidavit wherein the antecedents of the petitioner have been mentioned and that the petitioner is involved as many as three more cases including one under Section 307 IPC, although he is on bail in that case. He further submitted

that in the present case the custodial interrogation of the petitioner is required to recover the mobile phones through which the petitioner has threatened the aforesaid Rajat and Sachin and furthermore for the purpose of elicitation of truth it is a case where the custodial interrogation of the petitioner is required particularly due to the gravity of the offence.

I have heard the learned counsel for the parties.

The allegations against the petitioner were no doubt serious in nature in view of the fact that the petitioner has allegedly alongwith other person threatened the witnesses of a robbery case and according to the learned counsel for the State the same has been recorded in the form of Pen Drive and CD. The argument raised by the learned State counsel that for the purpose of elicitation of truth and recovery of mobile phones and the modus operandi adopted by the petitioner, his custodial interrogation is required for qualitative investigation does carry weight. The gravity of the offence in the present case would disentitle the petitioner for 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 for the purpose of deciding the present petition only.

29.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No