

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10864 of 2022

Decided on: 16th March, 2022

Munsab

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dharamender Singh, Advocate for
Mr. Azad Khan, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No.511 dated 18.8.2018, under Sections 379B, 420, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Nuh.

The brief facts are that Gurbeer Singh-complainant got registered an FIR stating that in pursuance to an advertisement received on his mobile, he made a call for purchase of tractor. After conversation, the complainant along with Preetpal, Jagseer Singh and Baljinder Singh went to Nuh in a car, carrying Rs.2,40,000/-. When they reached near village Malab, a boy came on a Hero Honda motor-cycle and asked the complainant party to follow him. On reaching near a kacha road, 4-5 boys were present who gave beatings, snatched Rs.2,40,000/- and six mobile phones. The registration number of the Bullet motor cycle was duly mentioned by the complainant in the FIR. During investigation, co-accused Mustkeem was arrested. Rs.5,000/- and two snatched mobiles were recovered from him. He named the petitioner. During enquiry, it revealed that the motor-cycle specified in the FIR belongs to the petitioner.

Learned counsel for the petitioner submits that the petitioner is not specifically named in the FIR, only registration number of the vehicle was mentioned, it is a case of false implication and the petitioner is named

in the disclosure statement.

Learned counsel for the State opposes the prayer for grant of pre-arrest bail. She submits that apart from the disclosure statement, there is other material against the petitioner. She further submits that recovery of country made pistol used in the incident, snatched mobiles and amount snatched is to be made.

The observations made herein are only for the purpose of deciding anticipatory bail and shall not be construed as an expression of opinion on the merits of the case.

It is not a case where petitioner was nominated merely on a disclosure statement, the registration number of motor-cycle belonging to the petitioner was specifically mentioned by the complainant in the FIR. In the cases of 'on-line fraud', it is not possible that name of each of the involved accused is known to the complainant and mentioned in the FIR. It is a trite law that FIR is not supposed to be an encyclopedia of facts. Deeper probe is required to un-earth the *modus operandi* and recoveries are yet to be made, no case is made out for grant of anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

16th March, 2022

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |