

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-27362-2022 (O & M)****Date of decision: 31.08.2022**

Aamir Khan

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nafees Ahmad Khan, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.243 dated 06.05.2022 under Sections 379, 411, 120-B IPC registered at Police Station Sadar Nuh, District Nuh.

2. The present FIR came to be registered on the basis of secret information, as per which, the petitioner alongwith some of his co-accused had looted electronic goods from a vehicle bearing No.HR-55AH-7252 of which one Sajid, co-accused was a driver. It was stated that if a raid was conducted, the accused persons could be apprehended with the looted vehicle and the electronic goods i.e. mobile phones, etc. Based on the said secret information, a raiding party was prepared and the spot i.e. the house of the co-accused Saamoon was raided. On search, the following articles were recovered:-

1. 03 Samsung Galaxy A-8 Tabs,

2. 07 Samsung Galaxy Tab S-8,
3. 03 Samsung Galaxy Phone S-20
4. 01 Samsung Galaxy Phone A-03
5. 01 Samsung Galaxy Phone Marka S-22
6. 01 Samsung Galaxy Phone Marka S-22 Ultra

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, Saamoon his co-accused has been arrested. The recovery of electronic items and truck was effected from him. He (Saamoon) had been granted the concession of bail on account of the fact that he was a juvenile. Since the petitioner had joined the investigation pursuant to the order dated 24.06.2022, his custodial interrogation was not required.

4. The learned counsel for the State, on the other hand, contends that the petitioner was named in the FIR and further, during the course of investigation, the name of the petitioner and his co-accused surfaced once again. In fact, initially, an FIR No.205 dated 04.05.2022 under Section 379 IPC was registered at Police Station Sarojini Nagar, Lacknow against the driver-Sajid at the instance of the owner of the truck. He submits that though the petitioner had joined the investigation but he has not co-operated in the same inasmuch as he has not got effected the recovery of the electronic goods as per the allegations levelled. He contends that the co-accused of the petitioner, namely, Moin is absconding. He, thus, contends that the petitioner does not deserve the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has joined the investigation, but has not co-operated in the same as he has not got effected any recovery of the stolen articles. His co-accused, namely, Samoon was arrested and part

recoveries were effected from him. So far as the co-accused Moin, is concerned, he is still absconding. In order to make the recoveries as also to complete investigation, the custodial interrogation of the petitioner is certainly required. Even otherwise, the allegations against the petitioner are grave and he cannot be granted the concession of anticipatory bail.

7. In view of the above, the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 31, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No