

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

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**CRM-M No.27865 of 2022
Date of Decision: 28.10.2022**

Mohammad Sufyaan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Manoj Kumar Pundir, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G., Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.18 dated 14.02.2019 registered at Police Station Buria, District Yamuna Nagar, under Section 25 of the Arms Act and Section 285 IPC (wherein the offence under Section 307 IPC is stated to have been added later-on).

2. Shorn and short of unnecessary details, the allegations, as levelled against the petitioner in the present case, are that he, along-with his co-accused, had stolen 41 battery cells from the Tower belonging to the Indus Tower Limited Company and they had taken away the same in the vehicle bearing registration No.HR-67A-4477 and when the informant named Gagandeep and some other persons chased the above-said vehicle, the said miscreants fired seven (07) shots towards them and fled away.

3. Status-report submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Yamuna Nagar), along-with Annexure R-1 and its vernacular version, is already available on the file and these documents are taken on the record.

4. Vide the order as passed on 01.07.2022, the Co-ordinate Bench had extended the relief of interim bail to the petitioner with the direction to join in the investigation but however, it is worth-while to mention here that in para No.6 in the Status-report, it has categorically been deposed that though he (petitioner) had joined in the investigation but he did not co-operate in the same.

5. Faced with the above-discussed situation, learned counsel for the petitioner contends that the name of the petitioner does not find mention as an accused in the FIR and rather, he has been roped in as such in the present case on the basis of the disclosure statements, as alleged to have been suffered by his co-accused and even otherwise, no recovery is to be effected from the petitioner and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Per-contra, learned State counsel argues that the petitioner is a habitual offender and besides the present case, he is involved in three (03) more theft cases and moreover, his custodial interrogation is required for affecting the recovery of the said stolen articles and it being so, this petition be dismissed.

7. Though, the petitioner has not been arraigned in the FIR but it has been mentioned in paras No.4 and 5 in the Status-report that during

their interrogation, the co-accused of the petitioner named Wakib and Alishan had suffered the disclosure statements specifically mentioning therein the factum of the involvement/participation of the petitioner in the crime and as per para No.7 thereof, the petitioner is involved in three (03) more theft cases, besides the case in hand.

8. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly and the afore-discussed order as passed by the Co-ordinate Bench on 01.07.2022 stands vacated.

9. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

28.10.2022
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(MEENAKSHI I. MEHTA)
JUDGE

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