

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

**CRM-M-30300 of 2022(O&M)
Date of Decision: 18.07.2022**

Shaheed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Neeraj Gaur, Advocate
For the petitioner.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 233 dated 15.06.2021, registered under Sections 407, 120-B and 34 IPC at Police Station Sadar Nuh.

The FIR in this case was registered on the basis of the complaint lodged by Naveen in which he alleged that he runs a Company named N.R.V. Logistics. He deployed vehicle No. NL01AC-1713 (closed body container) owned by him for transportation of consignment from Amazon Chennai to the godown of Amazon at Manesar. The said vehicle was driven by Shahabdin and present petitioner was working as a cleaner in the said vehicle. The aforesaid consignment was checked, on which it was found that 133 Redmi Mobile Phones were missing. On enquiry it was found that Shahabdin (driver) along with the petitioner misappropriated the aforesaid mobile phones worth Rs.11.30 lakhs.

The counsel for the petitioner submits that only 86 mobile phones were found missing. The counsel further contends that co-accused Sahabdin was arrested by the police and he got recovered the said 86 mobile phones and thereafter the matter was compromised with the officials of the NRV Company as is evident from Annexure P-3. The counsel for the petitioner further contends that from the perusal of Annexure P-3 it transpires that in total 86 mobile phones were found missing and lateron they were recovered and consequently the matter was compromised between the parties. The counsel further submits that as the recovery of all the missing mobile phones has been effected and matter has been compromised, no purpose is going to be served by sending the petitioner in police custody. The counsel further contends that the petitioner is ready to join the investigation.

The present petition is contested by the State counsel who has put in appearance on service of advance copy of petition. She submits that in total 133 mobile phones were found missing, out of which 85 mobile phones are recovered from the possession of co-accused Sahabdin, after his arrest. The State counsel further submits that the remaining mobile phones are yet to be recovered. As per the disclosure made by co-accused Sahabdin, the said mobile phones are with the petitioner who at the relevant time was working as a cleaner in the aforesaid vehicle. The State counsel further submits that FIR was registered in the present case on the complaint of Naveen. The State counsel further submits that complainant Naveen never entered into compromise with the accused persons and the alleged compromise deed

Annexure P-3 is not bearing signatures of the complainant. The State counsel further submits that the petitioner is required by the police for proper investigation of the case.

I have considered the submissions made by counsel for the petitioner as well as State counsel.

The counsel for the petitioner has not denied the fact that at the relevant time petitioner was working as a cleaner on the concerned vehicle belonging to NRV Logistics and regarding arrival of the consignment from Chennai to godown of Amazon at Manesar. The plea of counsel for the petitioner is that entire missing mobile phones have been recovered as per the compromise deed Annexure P-3 executed between the accused persons and NRV Logistics Pvt. Ltd. Admittedly, compromise Annexure P-3 is not bearing signatures of the complainant, who from the very beginning has alleged that 133 mobile phones were found to be missing. Undoubtedly, 85 mobile phones have already been recovered. Still 48 mobile phones remains to be recovered. There are specific allegations against the petitioner regarding theft of said mobile phones. So, this Court is of the view that custodial interrogation of the petitioner is necessary for proper investigation of the case.

Consequently, the present petition is hereby dismissed being devoid of merits.

18.07.2022

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No