

CRM-M-31447-2022

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

CRM-M-31447-2022

Date of decision: 22.07.2022

Mustkeem

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Dr. Deepak Jindal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.89 dated 05.03.2022, registered at Police Station Butana, under Section 379 IPC and Section 136 of the Electricity Act.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that recovery has already been effected from the five co-accused, who have already been arrested; that nothing is to be recovered from the petitioner; that the petitioner had been in custody since 05.03.2022 to 02.07.2022 in some other case, but his production warrant had never been sought by the investigating agency.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana, accepts notice on behalf of the respondent-State, and submits that recovery of stolen transformer is yet to be effected and that the petitioner has other cases of similar nature, registered or pending against him, and, therefore, he may not be admitted to bail.

I have heard the learned counsel for the parties.

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As per the prosecution version, on the intervening night of 27/28.02.2022, the petitioner alongwith the co-accused had committed the theft of 02 transformers of 16 KVA, installed in village Barthal.

The petitioner is involved in 09 other cases of similar nature (though discharged in four cases as stated by learned counsel for the petitioner). The criminal antecedent of the petitioner is a very important factor, which has to be kept in mind before deciding the present petition.

In the considered opinion of this Court, the purpose of investigation would stand defeated by allowing the petitioner to join investigation, especially keeping in view his antecedents. Moreover, the criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail. Moreover, recovery of stolen transformer is yet to be effected.

In view of the above, this Court finds that the petitioner is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

22.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No