

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

**CRM-M No.33300 of 2022 (O&M)
Date of Decision: 30.08.2022**

Niyamat Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present:- Mr. Azad Khan, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.459 dated 04.12.2021 registered at Police Station Bilaspur, under Sections 379, 407 and 120-B IPC, the petitioner has preferred this petition to seek the relief of pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled in the present case, are that the co-accused of the petitioner named Zakir, who was employed with Singal Transport Company as the driver for its (Company's) Container and was on his way to Bangluru to deliver the consignment of the goods belonging to Amazon Company, informed the Manager of the employer Company on the mobile phone that seven boxes

out of the said consignment, had been stolen by breaking open the seal of the Container. Later-on, he was arrested and during his interrogation, he suffered the disclosure statement qua the involvement of the petitioner in the commission of the offence.

3. Status-report on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, Crime-1, Gurugram, is already available on the file and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has not been arraigned in the FIR and rather, he has been roped in as an accused in this case solely on the basis of disclosure statement as alleged to have been suffered by his co-accused Zakir and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that the custodial interrogation of the petitioner is required for effecting the recovery of the stolen articles and it being so, this petition be dismissed.

7. It is pertinent to mention here that in para No.9 of the status-report, it has categorically been deposed that the above-named co-accused of the petitioner had suffered a disclosure statement regarding the petitioner having entered into a conspiracy with him and their co-accused named Talim to steal the articles from the vehicle of the said Transport Company and the petitioner and their other co-accused having reached at the main

road in another vehicle and their having broken open the seal of the truck and stolen the expensive articles like mobile phones and electric items and loaded the same in their vehicle and then, having fled away from there. Further, in para No. 5 therein, it has been mentioned that the articles worth Rs.1,42,46,800/- were stolen and in para No.8, it has also been specifically deposed that out of total 840 stolen articles, only 04 mobile phones have yet been recovered during the investigation. In these circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the recovery of the said articles cannot be ruled out. To add to it, it has also been mentioned in para No.10 of the status-report that besides this case, the petitioner is involved in two more cases of the similar nature.

8. Keeping in view the afore-discussed facts and circumstances as well as the gravity 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 pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 30, 2022

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No