

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

**CRM-M-35208-2022 (O&M)
Date of decision: 24.11.2022**

Ashok Kumar Sha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. KBS Mann, Advocate for the petitioner.

Mr. R.S. Nain, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.23 dated 24.01.2022, registered at Police Station City Bahadurgarh, District Jhajjar, under Sections 408 and 34 IPC.

Learned counsel for the petitioner contends that the petitioner, who is a mechanic by profession, has falsely been implicated in the present case; that the petitioner has been indicted on the disclosure statement of the co-accused; that as far as one Ashok named in the FIR, is concerned, he has already been arrested, as noticed by learned Addl. Sessions Judge, Jhajjar, while passing the impugned order dated 06.07.2022 and that main co-accused Chanderveer and co-accused Kamlesh, are on bail.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper the evidence or win over the witnesses. However, he does not dispute the factum of examination of only 1 witness, out of 16 witnesses till date.

Learned State counsel contends that there are specific allegations against the petitioner and the co-accused regarding the commission of crime. The tool box, containing tools used for commission of offence was recovered from the rented accommodation of the petitioner and stolen 31 mobile phones are yet to be recovered from him. The petitioner is a habitual offender.

I have heard the learned counsel for the parties and have also gone through the documents on record.

Since the box containing the tools used for the commission of offence has been recovered from the rented accommodation of the petitioner and 31 stolen mobile phones are yet the to be recovered from him, this Court is of the opinion that though two co-accused are on bail, but the custodial interrogation of the petitioner is necessary to unearth the such type of gangs operating in the locality. Hence, the petitioner is not entitled for anticipatory bail.

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

(HARNARESH SINGH GILL)
JUDGE

24.11.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No