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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54682-2021(O&M)
Date of Decision: 04.08.2022

Altaf

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.R. Yadav, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 588 dated 06.11.2018, under Sections 380/427/457 IPC, registered at Police Station Model Town Rewari, District Rewari.

It has been submitted by the learned counsel for the petitioner that in pursuance of the orders passed by this Court on 06.01.2022 the petitioner has joined the investigation and he has also fully cooperated with the investigation process. He further submitted that it is a case where a theft and breaking of the ATM took place in the year 2018 and the co-accused were arrested. He further submitted that thereafter on the disclosure statement made by one co-accused the name of the petitioner was nominated. He further submitted that the only reason as to why the petitioner was nominated was that the vehicle which was allegedly used by

the other co-accused was in the name of the father of the petitioner and it was a taxi which operated in the area and the mere fact that the aforesaid car which was used was in the name of the father of the petitioner and it was being operated as taxi raised suspicion and does not connect the petitioner with the present offence and there is no evidence or sufficient material available with the police to connect the petitioner with the present offence except for the disclosure statement of a co-accused which is otherwise not admissible in evidence. He referred to Annexure P-5 to show that the said car was a taxi in the name of the father of the petitioner. He further submitted that be that as it may, he has already joined investigation and therefore, the order dated 06.01.2022 may be confirmed.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted while referring to the affidavit filed by the State that it is correct that the petitioner has joined the investigation on 09.02.2022. However, the father of the petitioner has sold the aforesaid car to someone else after getting re-registered and therefore, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court the petitioner has already joined investigation on 09.02.2022. The only objection raised by the learned State counsel was that the father of the petitioner has sold the vehicle used in the offence. However, the father of the petitioner is not an accused in the present case.

In view of the aforesaid facts and circumstances, this Court is

of the view that the petitioner deserves the concession of anticipatory bail.

Consequently, the present petition is allowed. The order dated 06.01.2022 is hereby made absolute.

04.08.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No