

CRM-M-10184-2021 &
CRM-M-24952-2021

-1-

204

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10184-2021
Date of Decision:03.08.2023

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-24952-2021

Prempal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shivek Thakur, Advocate for
Mr. Randeep Singh Dhull, Advocate,
for the petitioner in CRM-M-10184-2021.

Mr. Saroj Malakar, Advocate,
for the petitioner in CRM-M-24952-2021.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both the petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing FIR No.524 dated 11.11.2020, under Sections 407 & 34 of the IPC, registered at Police Station Bilaspur, Gurugram District Gurugram.

2. CRM-M-10184-2021 was filed by the petitioner-Sumit and CRM-

M-24952-2021 was filed by the petitioner-Prempal and in both the cases, the petitioners were granted interim bail by this Court vide orders dated 09.04.2021 and 19.07.2021, respectively.

3. The present FIR was lodged on the basis of complaint made by one Surinder Singh by stating that there is one vehicle bearing registration No.HR55AA8640 which was attached with one transport company, namely, Rakesh Transport. On 01.10.2020, the petitioner, namely, Prempal in CRM-M-24952-2021 was driving the vehicle and on 16.10.2020, his vehicle was loaded from Amazon at Tauru for Airport and the aforesaid driver Prempal stole the items at Bilaspur Service Road, Binola. Again on 30.10.2020, the vehicle was loaded for Sonapat, then the aforesaid Prempal driver who was accompanying by his other companions again stole the items from the vehicle. The vehicle was thereafter detected through GPS system and was got checked up and deficiency of articles was found.

4. Learned counsels for the petitioners have submitted that the petitioners have already joined the investigation and therefore, the orders by which they were granted interim bail may be made absolute.

5. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana, has submitted on instructions from ASI Ramesh that it is a case where the petitioner-Prempal, who was the driver of the vehicle called the other petitioner, namely, Sumit in his Scorpio vehicle and they unloaded the articles from the vehicle which they were transporting the articles of Amazon along with other articles and took away 112 mobile phones which were supposed to be delivered at a designated place and stole the aforesaid items. He further submitted that during investigation when the petitioners were

on interim bail, there was recovery of Rs.20,000/- from the petitioner, namely, Prempal and one Scorpio vehicle recovered from the other petitioner, namely, Sumit. He also submitted that although the petitioners have joined the investigation but it was an empty formality because they did not get the article recovered nor did they deposit any amount in view of the same.

6. I have heard the learned counsel for the parties.

7. After granting the interim bail to the petitioners, they although joined the investigation but they did not co-operate with the investigation process as per earlier orders passed by this Court on 05.07.2021 in CRM-M-10184-2021. Again objection was taken by the learned State counsel on 13.08.2021 that the petitioner has joined the investigation but he is not co-operating and the stolen articles are yet to be recovered and the counsel for the petitioner had sought time to do the needful making all the investigation more effective by actively assisting the investigating officer. However, despite interim order passed by this Court, they did not co-operate with the investigation process and on 17.01.2022, this Court again directed the petitioners to render the fullest co-operation to the investigating officer concerned especially for effectuating the relevant recoveries and it was also directed that in case they do not co-operate with the investigation process then the Court may become constrained to not extend the interim relief. Again on 30.03.2022, although the interim order was continued but again direction was issued to the petitioners to make the fullest co-operation to the investigating officer, in respect of either ensuring the recovery at their instance of the stolen article or to deposit before the investigating officer concerned, the price which they obtained from same thereof. The matter thereafter was adjourned from

time to time and even last opportunity was also granted to the petitioners to fully co-operate with the investigation process.

8. On 25.07.2023, the learned counsels for both the petitioners prayed that in view of the earlier orders passed by this Court on 30.03.2022, only one week's time be granted so that they can deposit the amount pertaining to the price of the articles and the prayer of the learned counsel for the petitioners was accepted and one week's time was granted.

9. Today, learned counsels for the petitioners have stated that the amount of stolen articles have not been deposited by the petitioners. Learned State counsel has also submitted that the petitioners are not co-operating with the investigation at all.

10. In view of the aforesaid facts and circumstances, this Court is of the view that the petitioners do not deserve the concession of anticipatory bail since they have not co-operated with the investigation process till date. Consequently, both the petitions are hereby dismissed.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

03.08.2023

Bhumika(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No