

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12140-2023
Date of Decision: 08.05.2023

HARBILASH YADAV

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajinder Goel, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Vikas Kumar Dhariwal, Advocate for
Mr. Sunil Kumar Bhardwaj, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 13.03.2023, following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 25 dated 20.01.2023 under Sections 380, 447, 511, 506, 201 and 427 IPC read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar, Punjab.

Learned counsel for the petitioner contends that precisely the allegations against the petitioner are with regard to commission of theft of articles such as furniture, computer set, CCTV camera alongwith DVR, registers, cheque books, stock of garments etc. from the office of the complainant. The petitioner is the brother of the complainant and they are in long drawn litigation. The petitioner has retired from Indian Air Force in the year 2011 after rendering 20 years of service. At the earlier instance, an FIR bearing No. 286 dated 04.08.2022 under Sections 323, 506 IPC read with Section 34 IPC was registered at Police Station Bhiwani Khera, District Bhiwani against the petitioner, his son Hitesh and wife-Parveen. The petitioner alongwith his son and wife were granted regular bail by the Court of learned Judicial Magistrate 1st Class, Bhiwani in terms of order dated 10.01.2023, Annexure P-5. The petitioner had also instituted a civil suit against the complainant and in terms of the order dated 22.12.2022 passed by the Court of learned Civil Judge

(Jr. Division), Charkhi Dadri, the temporary injunction was issued in favor of the petitioner and against the complainant. The alleged occurrence is dated 22.12.2022 i.e. the date on which application for temporary injunction was allowed. The FIR has been registered after a delay of about one month. Moreover, the Court of learned Additional Session Judge, at the earlier instance, granted interim bail to the petitioner, who joined the investigation, but the anticipatory bail has been declined on the score that the petitioner had made a confession before the police during inquiry admitting the fact of theft by him, which is not admissible as per law.

Notice of motion.

Mr. M.S.Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. Sunil Kumar Bhardwaj, Advocate, has put appearance on behalf of the complainant and contends that complaint was submitted to police on the day of occurrence and FIR has been registered after inquiry and recovery of the stolen property is yet to be effected.

Adjourned to 08.05.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from ASI Narsing, submits that though the petitioner has joined the investigation but the recovery of stolen property is yet to be effected.
4. Faced with the situation, learned counsel for the petitioner contends that the allegations with regard to theft of articles has been falsely levelled against the petitioner.
5. On a query, learned State counsel submits that there is no disclosure statement of the petitioner to indicate that he can get any of the stolen article recovered.

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6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.03.2023 is made absolute.

08.05.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No