

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

266

CRM-M-12392-2023

Date of Decision: 08.05.2023

Balwant Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. R.S. Chauhan, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 5 dated 10.01.2022 registered under Section 381 IPC (Sections 380, 408, 411 and 120-B IPC were added later on) at Police Station Sector-20, Panchkula.

2. According to the prosecution story, the petitioner along with his co-accused was alleged to have involved in theft of iron sheets of the company under the name and style EEE and CEE Pressing Pvt. Ltd., Plot No. 169, Industrial Area Phase-1, Panchkula. It was further alleged that he in connivance with his co-accused had sold the alleged iron sheet to a scrap dealer in Zirakpur (Punjab). With these broad allegations aforesaid FIR was got registered by complainant-Sachit Soni.

Learned counsel, *inter alia*, contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused, which is a very weak type of evidence.

He was not apprehended at the spot and nothing was to be recovered from him. The offences are triable by a Magistrate. Petitioner is not involved in any other case. More so, co-accused of the petitioner have already been released bail. The petitioner is already ready and willing to join the investigation.

On the other hand, learned counsel for the State vehemently opposed the grant of anticipatory bail to the petitioner.

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

Keeping in view the facts and circumstances of the case, the fact that co-accused of the petitioner have already been released on bail and the fact that there is no other evidence against the petitioner at this stage except the disclosure statement, but without commenting upon the merits of the case, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

08.05.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No