

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-36965-2023

Date of decision: 16.08.2023

Rahul Patel

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Grewal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.755 dated 26.11.2022 under Sections 379 of the IPC (Sections 180, 413 and 34 of the IPC added lateron) registered at Police Station Surajkund, District Faridabad.

2. On being put to notice, learned State counsel has vehemently opposed the prayer made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. He submits, on instructions, that the custodial interrogation of the petitioner is required as he is part of a gang which has been involved in the theft of vehicles not only in this part of the country but also in the State of U.P. where he is based.

3. Learned counsel for the petitioner has, however, controverted the submissions made by the counsel for the State and has vehemently argued that the petitioner has been falsely implicated in the

case in hand and that too on the disclosure statement of one Parvesh Verma @ Gupta, who merely stated that he had sold the stolen vehicle to the petitioner. It has also been submitted that even said Parvesh Verma @ Gupta had been nominated as an accused in a disclosure statement suffered by co-accused Mohd. Uvesh. Learned counsel has asserted that evidentiary value of such disclosure statement is of a weak nature. It has been submitted that though the custodial interrogation of the petitioner would not be required in the case in hand, however, he is willing to join investigation and cooperate with the investigating agency.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner comes across to be an active member of a gang involved in the theft of vehicles. As per learned State counsel the modus operandi of the gang is to sell stolen vehicles to the petitioner who is based out of Kanpur. This Court cannot loose sight of the fact that the petitioner is involved in two other cases of similar nature which are pending against him in the State of U.P. This Court concurs with the prayer made by the learned State counsel that the custodial interrogation of the petitioner would be required for not only the recovery of stolen vehicle but also it would help in busting the gang which is actively involved in the sale of stolen vehicles. This Court, therefore, is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

6. Accordingly, the instant petition being devoid of any merit is dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No