

101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 48822 - 2023
Date of decision: 10.10.2023

Ankush

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

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Present: Mr. Sanjeev Majra, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 94 dated 30.05.2023, registered under Sections 120-B, 34, 379-A, 392, 419, 420 and 506 of the Indian Penal Code (Sections 171 and 483 IPC added later on) at Police Station Dhand, District Kaithal (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the Police, the money was snatched from the complainant by one Sushil, who is a truck driver. The petitioner is stated to be only present at the scene of occurrence. There is no other case against the petitioner. The petitioner shall join the investigation as and when called for by the Police. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent - State.

5) It is submitted by counsel for the State, on instructions from

ASI Mukesh that the petitioner was found to be a part of Whatsapp group being created by the truck drivers. The complainant received a message on that group with regard to sale and purchase of Car. Accordingly, the petitioner called the complainant on the pretext of selling of a Creta Car. A deal was settled for a sum of Rs.7,50,000/-. Thereafter, the complainant had approached the specified place along with the money, amounting to Rs.7,50,000/-. However, the petitioner and his colleagues snatched the said money and did not sell the Car to the complainant, as promised. The petitioner is found to be very much present at the spot; as is evident from the digital record pertaining to the petitioner. It is further submitted that there has been another case against the petitioner. The name of the petitioner has also been disclosed by the co-accused, from whom an amount of Rs.5,90,000/- has been recovered. As per the said disclosure of the co-accused, the petitioner has shared the snatched money to the extent of Rs.50,000/-, and that amount has to be recovered from the petitioner. Therefore, the custodial interrogation of the petitioner is very much required in the case. Hence, the petitioner does not deserve to be protected against his arrest.

6) In view of the aforesaid facts and circumstances of the case, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter, so as to grant concession of anticipatory bail to the petitioner.

7) Dismissed.

(Rajbir Sehrawat)
Judge

October 10, 2023

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