

CRM-M No. 50215 of 2023
Decided on: 02.11.2023

JITENDER ARORA... Petitioner

Versus

STATE OF HARYANA... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Varuna Singh and Ms. Mamta Panwar, Advocates
for the petitioner.

Ms. Gagan Preet Kaur , DAG, Haryana.

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SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C
the petitioner is praying for anticipatory bail in the event of arrest in FIR
(Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
32	07.02.2023	381, 34, IPC	Sadar Jhajjar, District Jhajjar

2. In nutshell the case putforth by the prosecution is that PAN HR
Solution Pvt. Ltd. Company, filed a complaint dated 07.02.2023 stating that
the Company provides Manpower to FRK-MH ALL CARGO PAN HR
Solution Pvt. Ltd. Logistic Park at Flipkart Godown on agreement. One of
the employee namely Sachin was working as Data Entry Operator. He along
with Dinesh, Bhupender and Rahul, employees of other companies
committed theft and cheating. They all are working in FRK-MH and

CARGO Logistic Park (Flipkart) and having supervision of expensive goods. The above said persons along with some other persons committed theft of 43 Apple I-Phones and hence the FIR was registered.

3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is working in Jio Company as a SIM salesman and had good relations with Crown/Krown company which is basically a mobile shop which deals in wholesale and retail both. Petitioner usually visited the said shop with regard to sale of sim cards. There is another shop namely Bikesh Mobiles, petitioner had supplied some mobile phones from Bikesh Mobiles to Krown mobile shop on bills issued by Bikesh Mobile on commission basis and later petitioner came to know that the alleged mobiles were a stolen property. He submits that petitioner is ready to join the investigation and prays for grant of concession of bail.

4. *Per contra*, the learned State counsel has opposed the bail application by referring to the reply submitted by Deputy Superintendent of Police, City Jhajjar, District Jhajjar dated 13.10.2023, to submit that during the course of investigation, co-accused Vikas Yadav, Bikesh were arrested and they disclosed that all the stolen IPHONE Mobile were sold by them to the present petitioner. He further submits that custodial interrogation of the petitioner is required for proper investigation and for effecting recovery of stolen IPHONES and hence prays for dismissal of the present petition.

5. After considering the respective arguments and perusing the record, it transpires that petitioner had supplied Apple IPHONES from Bikesh Mobiles shop to Krown mobile shop on commission basis and later

petitioner came to know that the alleged mobiles were the stolen property. As per reply dated 13.10.2023, submitted by the State, there are specific allegations against the petitioner of dealing in sale and purchase of stolen IPHONE Mobiles and selling on commission. As per case of the prosecution 43 Apple I-Phones were stolen and only one Apple I-phone is recovered and rest of the Apple I-Phones are yet to be recovered. In the circumstances mentioned above, since the recovery is yet to be effected from the petitioner, therefore, custodial interrogation of the petitioner is required.

6. Resultantly, considering the nature and gravity of the offence, I find no case is made out in favour of the petitioner for grant of anticipatory bail, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No