

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

106

2023:PHHC:135537

CRM-M-52701-2023

Date of decision: October 17th, 2023

Rajbir Nath

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.513 dated 12.09.2023 registered under Sections 379/420 of the IPC at Police Station Tosham, District Bhiwani.

2. Learned counsel for the petitioner submits that a perusal of the FIR in question reveals that neither was the petitioner named therein nor any specific role or allegation levelled against the petitioner of he having committed any theft of gold jewellery of the complainant and his wife. He has further submitted that the FIR in question had been registered against some 'unknown' and 'unidentified' *Baba*, qua whom even no description of his height, age etc. had been given. He submits that all these facts and circumstances, when appreciated in their entirety clearly reveal that a fabricated case had been planted upon the petitioner. Learned counsel lastly submits that the petitioner is willing to join investigation and cooperate with the investigating agency and his custodial interrogation in the wake of the vague allegations levelled in the FIR in question, would not be required.

3. Notice of motion.

4. On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

5. Learned State counsel has opposed the prayer and submissions made by the counsel opposite. She has submitted that the custodial interrogation of the petitioner is required as he is a man of criminal antecedents and involved in some more similar cases, wherein after hypnotizing innocent and vulnerable people, he had been fleecing them of their jewellery, money and other personal belongings.

6. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR in question.

7. As per the case of the prosecution, on 12.09.2023, when the complainant along with his wife were returning to their village, a white coloured car came and stopped besides them. A person i.e. the accused, who was wearing a *angochha*, came out of his car and asked the complainant to hand over his gold ring to him. The wife of the complainant too was asked to hand over her gold ornaments and thereafter, the accused fled away with the gold ornaments. The petitioner allegedly committed the crime after hypnotizing the complainant and his wife and it is a matter of record that there are four other cases pending against him, wherein he has been involved in similar offences. This Court, in the facts and circumstances, does not deem it fit extend the extraordinary concession of bail to the petitioner, who *prima facie* comes across as a habitual offender.

8. The instant petition, therefore, stands dismissed.

9. 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.

October 17th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No