

101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4649-2024

Decided on:-16.02.2024

Anil Kumar

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Goyat, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.695, dated 18.12.2022, registered under Sections 380 and 457 IPC, at Police Station Adampur, District Hisar, Haryana.

2. As per the allegations levelled in the FIR, the petitioner has been implicated on the basis of disclosure statements made by Kamal @ Kalu son of Vijender and Vishal son of Shyam Dubey, for having conspired regarding committing of theft of 'gum' from the godown owned by the complainant.

3. Learned counsel for the petitioner submits that the only evidence against the petitioner is that of disclosure statements made by his co-accused. He further submits that the present is a case of false implication as the version projected in the disclosure statements is not even made out.

He also points out that the vehicle allegedly involved in the theft is a Tata

Pickup having capacity of 7/8 quintals, whereas, the allegations of theft are pertaining to 100 quintals of ‘gum’ and, thus, the entire case is false and the petitioner deserves the concession of anticipatory bail.

4. On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while submitting that besides disclosure statements there is other evidence connecting the petitioner with the alleged offence as the vehicle involved in the incident in question is owned by the petitioner himself.

He also refers to the antecedents of the petitioner being involved in 03 more cases of similar nature.

5. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. The present is not a simplicitor case of implication of the petitioner being based on disclosure statements made by co-accused as besides disclosure, there is other substantial material connecting the petitioner with the alleged offence in the shape of the recovery of the vehicle involved in the incident, which is owned by the petitioner. Besides it, the petitioner is even involved in 03 more cases of similar nature. The details of which are as under:-

Sr. No.	FIR Nos.	Offence Sections	Under	Police Station
1	FIR No., dated 09.01.2022	Under Sections 380 and 457 IPC		Police Station Adampur, District Hisar
2	FIR No.652 dated 18.11.2022	Under Sections 380 and 457 IPC		Police Station Adampur, District Hisar
3.	FIR No.694, dated 18.12.2022	Under Sections 380 and 457 IPC		Police Station Adampur, District Hisar

Thus, considering the antecedents of the petitioner, besides ownership of the vehicle involved in the incident in question belonging to him, in the humble opinion of this Court, present is not a fit case where the discretion needs to be exercised in favour of the petitioner for granting the benefit of anticipatory bail.

7. The submissions made on behalf of the petitioner as regards the capacity of vehicle in question needs to be gone into at the stage of trial, therefore, finding no merit in the present petition, the same is hereby dismissed.

16.02.2024
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(HARKESH MANUJA)
JUDGE

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