



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M No.10148 of 2024
Date of decision: 25.07.2024

LALIT KUMAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Prabhjot Singh, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 15 dated 16.01.2024, under Sections 380 and 457 of IPC, at Police Station Chhapar, District Yamuna Nagar.

2. Vide order dated 27.02.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 27.02.2024, passed by this Court, reads as under:

“Prayer in this petition is for grant of anticipatory bail in a case having FIR No. 0015 dated 16.01.2024 under Section 380 and 457 of the Indian Penal Code 1860, registered at Police Station Chhapar, District Yamuna Nagar (Annexure P/1).

Counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case and is not involved in any such theft as alleged by the complainant. The petitioner is ready to join investigation with the police.



Notice of motion.

At the asking of the Court, Mr. Neeraj Sheoran, Deputy Advocate General, Haryana accepts notice on behalf of the State and submits that the petitioner is named in the FIR and is required by the police for proper investigation of the case. The State counsel further submits that the petitioner is involved in two other cases but not of similar nature and he prays for time to seek instructions with regard to status of two aforesaid cases.

Ms. Priyanka Gupta, Advocate puts in appearance on behalf of the complainant and files his memorandum of appearance which is taken on record. She resists the present petition and submits that the petitioner alongwith four other persons who are specifically named in the FIR committed theft from the closed factory of the complainant during the night intervening between 15/16 January 2024 and that recovery of the stolen articles is yet to be effected.

On query being put to State Counsel, he prays for time to seek instructions as to whether the statement of any watchman/security guard of the concerned factory was recorded by the police during investigation of the case.

Now to be listed on 14.05.2024.

In the meantime, petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case.



The petitioner is also to abide by the condition envisaged under Section 438(2) of Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 23.03.2024, 02.04.2024 and lastly on 16.07.2024 and has suffered disclosure statement. However, no recovery has been effected from him. He also informed that during the course of investigation, offence under Section 201 of IPC has also been added and the petitioner has joined into the investigation qua that offence as well and he is not required for custodial interrogation.

4. At this stage, on oral request of learned counsel for the petitioner, offence under Section 201 of IPC is ordered to be added in the head note as well as prayer clause of the petition and Registry is directed to do the needful.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 27.02.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

25.07.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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