

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-13197-2024

Date of decision: 29.04.2024

MONU AND ANR

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seeks grant of anticipatory bail, in case FIR No.36 dated 03.02.2024, under Sections 457 and 380 of the IPC, registered at P.S. Kheri Pul, District Faridabad.

2. On 14.03.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seeks grant of anticipatory bail, in case FIR No.36 dated 03.02.2024, under Sections 457 and 380 of the IPC, registered at P.S. Kheri Pul, District Faridabad.

2. What constituted the bedrock for registration of the present FIR, was that, 600 kgs of copper material, a Maruti Super Carry vehicle went missing from the workshop of the complainant, and, the control box of CCTV camera was also damaged.

3. The record available before this Court reveals that consequent upon registration of the present FIR, co-accused Sonu and Akash were arrested, and thereupon, co-accused Sonu got

recovered the stolen Maruti Carry vehicle and an amount of ₹ 29,200/-, i.e. his share of the crime proceeds, which was obtained from sale of the stolen copper material. Thereafter, co-accused Sonu and Akash suffered disclosure statements, thereby disclosing the participation of the present petitioners in commission of the above crime.

4. The learned counsel for the petitioners submits that neither any role qua commission of the alleged offence(s) has been assigned to the petitioners, nor the investigating agency is seized of any cogent inculpatory evidence against the petitioners. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioners, is the disclosure statement(s) of co-accused.

5. The learned counsel for the petitioners further submits that, even in the C.C.T.V. footage, which was recovered by the investigating agency and played in Court by the learned Sessions Judge concerned, at the time of adjudicating the anticipatory bail application of the petitioners, the petitioners are not visible. Lastly, he submits that the petitioners are not involved in any other case.

6. Notice of motion for 29.04.2024.

7. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

8. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

3. Today, Learned State counsel on instructions, imparted to him by the official respondent, submits that though the petitioners have joined the investigation, but they did not at all co-operate with the investigating agency, rather under the protection granted by this Court, the petitioners scuttle the

ongoing investigation.

4. The allegations against the present petitioners, and the co-accused are that they have stolen 600 kgs of copper material, a Maruti Super Carry Vehicle from the workshop of the complainant. The co-accused Sonu got recovered stolen Maruti Carry vehicle, and an amount of Rs.29,200/-, who was arrested by the Police. It is a case of theft, in case the recovery is not effected, it would prejudice, the case of the prosecution.

5. This Court repeatedly asked the learned counsel for the petitioners, whether, the petitioners are again ready and willing to join the investigation, and also to co-operate with the Investigating Officer, if given an another chance, to which learned counsel for the petitioners submits that they are not at all involved in the present matter.

6. It seems that under the protection granted by this Court on the last date of hearing i.e. 14.03.2024, the petitioners have no intention to co-operate with the Investigating Agency, therefore, this Court is of the view that custodial interrogation of the petitioners is eminent in the instant case, and asked for request of anticipatory bail is hereby declined.

7. The instant petition is **dismissed** accordingly.

29.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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