

2024:PHHC:111378



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20386-2024 (O&M)
Date of Decision:- 29.08.2024

Vijay Kumar Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Himanshu Garg, Advocate for
Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by HC Rajpal.

FIR NO.	DATE	POLICE STATION	OFFENCES
900	23.11.2023	Civil Lines Sirsa, District Sirsa	379-A IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.



2. At the time of issuance of interim bail the following order was passed on 25.04.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.900, dated 23.11.2023 at Police Station Civil Lines Sirsa, District Sirsa, Haryana under Section 379-A of Indian Penal Code.

The FIR was lodged at the instance of Parbhat Sharma, wherein it is alleged that on 23.11.2023, when he was proceeding to Sirsa in connection with his business, he received a telephone call from mobile No.78650-11356 and the caller identified himself as Rakesh Bhai and said that he needed to talk to the complainant regarding plywood business. Subsequently, the said person met the complainant at Sirsa, who had come in a vehicle bearing registration No.DL-8C-AR-7846 alongwith 2 other persons and started talking to him regarding business of plywood. The complainant alleges that he took out an amount of Rs.3.10 lakhs from his vehicle in connection with his business. However, the said three persons started snatching the said amount from him. When the complainant raised alarm, several persons started gathering at the spot and the aforesaid unknown persons fled away from the spot having snatched an amount of Rs.60,000/- from him. It is further the case of prosecution that the police traced the owner of vehicle from the registration number of the said vehicle, who turned out to be one Bhura, who was already in police custody in connection with some other case. Upon interrogation, said Bhura disclosed that he alongwith the petitioner and one Bittu had committed the crime in question.



Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of disclosure statement, the veracity of which would be debatable. Learned counsel further submits that the prosecution story itself does not seem plausible inasmuch although the complainant claimed that he had taken out an amount of Rs.3.10 lakhs from his car, but the accused, however, snatched only an amount of Rs.60,000/- and did not take away the remaining amount.

Learned counsel for the petitioner further submitted that as a matter of fact the petitioner is into jewellery business and the aforesaid Bhura, who is stated to have made a disclosure statement nominating the petitioner, had at one point of time visited his shop to sell stolen jewellery, which the petitioner refused to buy and on account of which said Bhura nursed a grudge against the petitioner. Learned counsel submits that the petitioner otherwise has a clean record.

Notice of motion for 29.8.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation.



4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 25.04.2024 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.08.2024
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No