

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22053-2024
Date of decision: 23.05.2024

ARUNPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Jaiswal, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

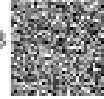
KULDEEP TIWARI. J.(Oral)

1. On 03.05.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.129 dated 22.03.2024, under Sections 454/380 of the IPC, registered at P.S. Mahesh Nagar, District Ambala.

2. The learned counsel for the petitioner submits that the present FIR does not embody the name of the petitioner, rather it has been registered against unknown person(s). Moreover, the present FIR suffers from the vice of delay and laches, as it has been registered after a delay of 1½ months. The petitioner has been entangled in the present FIR merely on the supplementary statement of Smt. Rasloon (mother of the complainant), which was recorded much belatedly on 29.03.2024, and wherein, she alleged that she has identified the petitioner/accused in the footage of the CCTV Camera installed at the spot.

3. The learned counsel for the petitioner further submits that the investigating agency has erred in nominating the petitioner as an



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accused merely on the basis of CCTV Footage, as, first of all, owing to unclear video quality, it is quite impossible to recognize and identify the person visible in the said CCTV footage, and secondly, even if the CCTV footage is taken to be true, even then only a person can be seen passing from that vicinity, which can, by no stretch of imagination, establish any connection between the alleged theft and the petitioner.

4. Notice of motion for 23.05.2024.

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

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

2. Today Learned State counsel on instructions, imparted to him from the official respondent, submits that though petitioner has joined the investigation, but the recovery is yet to be effected. Learned State counsel further submits that the petitioner is also involved in 04 other cases.

3. This Court put a specific query to the learned State counsel that whether, there is any material with the prosecution to connect the present petitioner with the alleged crime, except the supplementary statement suffered by the complainant, that too after one and half year, wherein, he implicated the present petitioner, to which the learned State counsel answered in negative.

4. Be that as it may, since the petitioner has joined the investigation, and till date the evidence so collected by the prosecution agency is a weak piece of

evidence, therefore, this Court deems it fit and appropriate to **allow** the instant petition and order dated 03.05.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

23.05.2024
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(KULDEEP TIWARI)
JUDGE

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