



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28242-2024

Date of Decision : 02.12.2024

SONU KUMAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aman Deep Saini, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. This is the petition, filed under Section 438 Cr.P.C., seeking the relief of 'anticipatory bail' by the petitioner in case FIR No.475, dated 25.09.2023, under Sections 457, 380 and 411 of the IPC and under Sections 25(1)(a)-54-59 of the Arms Act, registered at Police Station Baldev Nagar, District Ambala (Annexure P-1).

2. On 19.07.2024, a co-ordinate bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“The Counsel for the petitioner contends that taking the allegations to be correct, the petitioner who is a jeweller could only be liable for having committed the offence under Section 411 IPC.

Adjourned to 27.08.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any

3. However, the petitioner failed to get recovered the alleged stolen articles, which led this Court to pass the following order on 16.09.2024:-

“At the very outset, learned State counsel, on instructions imparted to him by the police official concerned, submits that though the petitioner has re-joined investigation in compliance to the order dated 27.08.2024, passed by a co-ordinate bench of this Court, however, he has not fully co-operated at all with the investigating officer.

He further read over a disclosure statement suffered by the petitioner during the course of investigation to the effect that the stolen gold ornaments which he had purchased from main accused, has further sold the same to his customers, and he will make the recovery effected by collecting those ornaments from the said customers.

Faced with the above difficulty, learned counsel for the petitioner submits that the petitioner may be granted one more opportunity to join the investigation, and he assures this Court that the the petitioner will not only join investigation but also fully co-operate with the investigating officer.

In view of the above statement suffered by learned counsel for the petitioner, one last opportunity is granted to the petitioner to rejoin the investigation within a period of four weeks from today with the investigating officer and to fully co-operate with him.

It goes without saying that in case the petitioner fails to join investigation and co-opearte with the investigating officer, the Court would decide the instant matter on its own merits.

Adjourned to 24.10.2024, to await the outcome of the investigation.

Interim order to continue.”

4. Thereafter, the petitioner was granted two more effective opportunities to join the investigation and to extend full co-operation to the investigating officer concerned.

5. Learned State counsel, on instructions imparted to him by the

official concerned, stated that though pursuant to the making of the hereinabove extracted order, the petitioner has joined investigation however, he has failed to get recover the stolen gold articles.

6. Today, the learned counsel for the petitioner has placed on record an affidavit duly sworn in by the petitioner, to submit that the incident has occurred one year back, and the accused person(s) has sold the gold at different places to different persons. Even for the sake of argument, if it is admitted that the accused persons (s) has sold any gold at the shop of the petitioner, he has purchased the same during the course of business transaction, and thereafter, the same has either been sold for purchasing new gold ornaments, or have been dismantled for preparing new gold ornaments. Therefore, in that eventuality, it is beyond the control of the petitioner to get recovered the alleged gold articles. The said affidavit is taken on record. The Registry is directed to tag the same at an appropriate place on the file.

7. This Court has considered the submissions made by learned counsel for the petitioner, and finds merit therein.

8. It is not under dispute that the petitioner has joined investigation, but he has again failed to get recovered the stolen gold articles.

9. Solely because of the fact that the recovery has not been effected, specifically in the circumstances as narrated by learned counsel for the petitioner, this Court is of the view that the interim relief granted by this Court cannot be withdrawn.

10. In view of the above, the hereinabove extracted interim order dated 19.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

11. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

12. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

13. All pending application(s), if any, also stand **disposed** of accordingly.

December 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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