

2024:PHHC:083605



294.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30277-2024

Date of decision: 04.07.2024

Deepak @ Raju

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

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

Mr. Gurmeet Singh, AAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.270, dated 08.05.2024, under Sections 380/457 of IPC registered at Police Station City Tohana, District Fatehabad.

2. The aforesaid FIR has been filed by the complainant Ravi Singla with the allegations that on 06.05.2024, he was sleeping at his house along with his family members in routine. However, on 07.05.2024 at about 2:30 AM, two unknown persons came into his house after jumping the wall and stole Rs.37,000/-, one *tolla* gold, a keypad mobile etc., and it was recorded in the CCTV camaras installed in the neighbourhood. He suspected that the theft was committed by Kalia @ Boli son of Poni and

Raju (the present petitioner) son of Jalli, resident of Ward No.13, Geeta Colony, Tohana.

3. Learned counsel for the petitioner has argued that the petitioner is not involved in this case. In the FIR, it has been written that two unknown persons had committed theft whereas the police has alleged that there are three persons. The petitioner has been implicated in the present case on the basis of disclosure statement of co-accused. Even otherwise, he is ready to join investigation.

4. Learned State counsel has opposed the petition on the ground that the petitioner is a previous convict in case FIR No.107, dated 27.02.2023, under Section 174-A IPC, Police Station City Tohana. He is also involved in three other cases. The recovery of stolen articles is yet to be effected. The co-accused Sukhvinder Singh was arrested and he made disclosure statement and also clearly stated that the petitioner had gone inside the house. So, the custodial interrogation of the petitioner is required.

5. I have heard the submissions of learned counsel for the petitioner as well as learned State counsel.

6. As per version of learned State counsel, petitioner was already involved in three more cases of similar nature which were registered in Police Station City Tohana itself w.e.f. May 2022 to August 2023. Said fact has also been admitted by the petitioner himself. The petitioner was also convicted under Section 174-A of IPC.

6.1 Since recovery of stolen articles is yet to be effected; petitioner has been named in the FIR on the basis of CCTV footage and co-accused of petitioner has also named him, so this Court finds that custodial interrogation of the petitioner is necessary.

7. In view of above, no ground for grant of anticipatory bail to the petitioner is made out. Present petition is dismissed accordingly.

(GURBIR SINGH)
JUDGE

July 04, 2024
sanjeev

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