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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212

CRM-M No.32990 of 2024
Date of decision: 22.08.2024

Darshan Kumar @ Darshi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in case arising out of FIR No.0074 dated 05.03.2024 registered under Sections 454, 380 and 411 of IPC at Police Station Kalan Wali, Dabwali, District Sirsa (Haryana).
2. Vide order dated 18.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.07.2024 reads as under:-

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“The instant petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No.74 dated 05.03.2024 registered under Sections 454, 380 and 411 of IPC at Police Station Kalanwali, District Sirsa on the basis of complaint lodged by the complainant-Raj Singh on 05.03.2024 alleging therein that in the intervening night, some gold and silver jewellery, cash amount of Rs.11,000/-, some ladies suits and other articles kept in iron Almirah of his house had been stolen by unknown person. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, Randeep Singh @ Sandeep Singh @ Bagga had been arrested in this case. On interrogation, he suffered a disclosure statement and admitted his involvement in the commission of theft in the house of the complainant on the fateful night and also disclosed that he had sold the stolen gold and silver ornaments to the petitioner. Apprehending his arrest, the present petitioner had moved an application before the Court of Sessions Judge, Sirsa which had been dismissed vide order dated 08.07.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the this case on the basis of disclosure statement of co-accused Randeep Singh @ Sandeep Singh @ Bagga which cannot be considered to be admissible for connecting him with this crime. He has also joined the investigation in this case and he got recovered two copies and one diary regarding purchase/mortgage of gold. He has admitted the factum of engaged in business of mortgaging of jewellery etc. He is not at all involved in this case. He is ready to join the investigation and his custodial interrogation

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is not required.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 22.08.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report has been filed by the respondent-State, as per which, the petitioner joined investigation on 05.07.2024 and 27.07.2024 respectively. Though it is submitted by learned State counsel that the petitioner has not cooperated with the investigation and did not effected any recovery. However, it has come on record that two copies and a diary was recovered from the possession of the petitioner. Non recovery of some stolen article at his behest cannot be made a ground for declining the prayer of bail as made by the petitioner. No purpose would be served by detaining the petitioner in custody.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 18.07.2024

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granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

22.08.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No