

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**2024:PHHC:062675
CRM-M-34422-2023
Date of Decision: May 06, 2024**

Pawan Chohan **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Fresh status report in response to the order dated 14.03.2024 passed by this Court, has been filed today by way of affidavit dated 02.05.2024 of Shri Subhash Chander, DSP, Charkhi Dadri, on behalf of the respondent-State.

2. By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.105 dated 06.06.2023, under Sections 380 and 457 of IPC, registered at Police Station Bond Kalan, District Charkhi Dadri.

3. FIR was lodged on the complaint of Shri Anil Sharma, Proprietor of M/s. Prakash & Co. Delhi, who had been granted contract of electricity in District Dadri under Jag-Mag Scheme. As per the complaint, the Company had entered into a contract with Labour Contractor – Pawan Chohan (petitioner) for work in the village Mirch, who provided his own labour. It was alleged that the petitioner alongwith his labour had stolen the electricity items from the site. After lodging the FIR, statements of witnesses were recorded and record was collected in respect of supplying 06 drums of cable and other electrical accessories to the petitioner and his labour.

3. It is contended by learned counsel that petitioner has been falsely implicated; that there was no written contract between the petitioner and the complainant; that FIR is silent as to when the material was supplied and as to what was the material. Learned counsel further contends that petitioner had earlier applied for anticipatory bail before learned Addl. Sessions Judge, Charkhi Dadri. He was granted interim bail on 04.07.2023. He joined the investigation and disclosed all the facts, but later on, his bail petition was dismissed on 07.07.2023. As per learned counsel, petitioner has clearly stated that labour was supplied by Deepak Kumar S/o Sagwa Singh R/o Dehpa, District Sambhal, U.P. with mobile number 7060147769, but instead of doing any investigation regarding said Deepak Kumar, false report had been filed.

4. This Court vide an order dated 19.07.2023, granted interim anticipatory bail to the petitioner, subject to his joining investigation. Status report was filed on 14.03.2024, as per which though the petitioner had joined the investigation, but did not co-operate in the same as he did not provide the names of the labours, who had committed the theft.

5. As stand was taken by the petitioner that he had already provided the name of one Deepak Kumar S/o Sagwa Singh to be the concerned person, who had supplied the labour, so State was directed to verify as to whether any effort was made to trace said Deepak Kumar or not.

6. As per the latest status report filed today, the Investigating Officer of the case went to the address of Deepak Kumar as provided by the petitioner, but no such person was found to be residing at the given address.

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Sarpanch of the village also gave in writing that no person of this name used to reside there and thus, petitioner was found to have misguided the Investigating Agency. The status report also reveals that necessary details pertaining to the mobile number of alleged Deepak Kumar, as provided by the petitioner were also collected and it was found that said mobile number was issued by Airtel Company in the name of one Ravi Kumar of village Pal Post, Salempur Gosain, District Amroha (U.P.), who was joined in the investigation and who told that he was Painter by profession and had never visited Haryana. He feigned ignorance about any such mobile number 7060147769 to have been issued in his name and stated that he had never used the same.

7. It is clear from the aforesaid status report filed by the State that petitioner has not co-operated in the investigation, despite grant of interim anticipatory bail by this Court.

8. In the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this Court is not inclined to confirm the interim anticipatory bail granted to the petitioner by this Court vide order dated 19.07.2023.

As such, present petition is hereby dismissed.

May 06, 2024

sarita

(DEEPAK GUPTA)
JUDGE

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