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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38125-2024

Date of decision: 17.12.2024

SHAILENDRA YADAV

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr.Nitin Meel, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Anil Kumar Rana, Advocate and
Mr. Harsh Rana, Advocate
for respondent No.2/complainant.

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.458, dated 30.07.2023, under Section 381 IPC, registered at Police Station Sector-10, District Gurugram.

2. As per facts of the case, Amit Kumar complainant gave a statement that on 29.07.2023 on watching CCTV recording it was found that on 23.07.2023 at about 6:15 a.m., a guard was calling outsider in the company. Said guard was namely Shailender Yadav and he was seen committing theft of three bags of fabric and some stitched clothes with said unknown person. The Complainant further alleged that the fabric which is around 1500 m. be recovered. With these allegations, present FIR has been registered.



implicated in this case. As per the FIR, value of stolen article is shown as Rs.80,000. In order to show his *bona fide* he has already handed over a bank drafts worth Rs. 80,000/- to the Investigating Officer. He is ready to join investigation and fully abide by the terms of bail order, therefore, his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Status report has been filed. It is confirmed that he has joined the investigation on 25.09.2024. He was interrogated. It is confirmed that petitioner handed over two bank drafts; one to the tune of Rs.20,000/- and other to the tune of Rs.60,000/-, to the investigating officer. It is mentioned in the status report that co-accused namely Sidharth Kumar Yadav sold the material out of which he was handed over Rs.1,92,000/-. It is pointed out that to recover remaining amount custodial interrogation is required. In status report, it is confirmed that present petitioner is not involved in any other case.

5. I have considered the arguments and have gone through the record. Aforesaid status report indicates that petitioner has joined investigation. He has also handed over two bank drafts total worth Rs.80,000/-, to the investigating officer to show his *bona fide* for joining investigation. However, learned counsel for complainant as well as State counsel has opposed the anticipatory bail for the arrest of other co-accused and to recover the balance amount. So far as arrest of other accused namely Sidharth Kumar Yadav is concerned, the name is already known and it is for the investigating agency to arrest him. Quantity of fabric or the stitched clothes allegedly stolen by the present petitioner along with unknown person, its value and recovery is matter of investigation.



required . No purpose would be served by sending him behind the bars.

6. In the light of aforesaid factual position, anticipatory bail application filed by the petitioner-Shailendra Yadav is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/ Investigating Officer concerned, subject to condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

7. No purpose would be served by keeping said two bank drafts with the investigating officer, so the same be returned to the petitioner on proper receipt.

(AMARJOT BHATTI)
JUDGE

17.12.2024
monika

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No