



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-37980-2024

Date of decision: 06.08.2024

Naim

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagdeep Singh Rana, Advocate for
Dr. Deipa Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.552 dated 04.07.2023 under Sections 407, 34, 120 of the Indian Penal Code, 1860, registered at Police Station Sector-58, Faridabad.

2. Learned counsel for the petitioner asserts that the petitioner has been falsely implicated in the instant case for allegedly committing criminal breach of trust involving goods worth more than Rs.19 lakhs which went missing from a truck bearing No.HR-38AC-5059. Learned counsel has further submitted that the false implication of the petitioner is evident from the fact that he was neither named in the FIR nor any suspicion raised qua his involvement in the crime in question, much less by way of a whisper. Rather, the petitioner was named as an

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accused solely based on a disclosure statement allegedly suffered by a co-accused, which carries weak evidentiary value. Additionally, learned counsel for the petitioner has asserted that the petitioner has no connection whatsoever with the other co-accused. It has also been submitted that since no recovery is required to be effected, custodial interrogation of the petitioner would serve no useful purpose and hence his prayer for anticipatory bail be allowed.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Prima facie there are serious allegations against the petitioner, who along with the co-accused allegedly engaged in a criminal conspiracy to commit criminal breach of trust involving goods which were entrusted to the co-accused for transportation from Manesar Hyderabad. During transit, some of the goods mobile phones and electronic items worth Rs.19,10,886/- were found missing. As per the case of the prosecution, the petitioner played an active role in the crime and has been identified as one of the main accused. Furthermore, it is a matter of record that the petitioner has criminal antecedents and is already facing five other criminal cases. The instant crime was committed by the petitioner while on bail in the other criminal cases pending against him.

5. In the facts and circumstances as enumerated hereinabove, considering the role attributed to the petitioner, he does not deserve the extraordinary concession of anticipatory bail. Accordingly, the instant petition is hereby dismissed.



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6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.08.2024

(MANJARI NEHRU KAUL)

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JUDGE

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