



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

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**CRM-M No.40494 of 2024
Date of decision: 10.12.2024**

ATUL RAGHAV**.... Petitioner****Versus****STATE OF HARYANA****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.310 dated 06.04.2024 registered under Section 379 of IPC and Section 34 of IPC added later on at Police Station Sector-58, District Faridabad.

2. Vide order dated 21.08.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 21.08.2024, passed by this Court, reads as under:

“The petitioner is seeking grant of pre arrest bail in case arising out of FIR No.310 dated 06.04.2024 registered under Section 379 of IPC and Section 34 of IPC added later on at Police Station Sector-58, District Faridabad on the basis of a written complaint filed by the complainant- Saddam Sabri alleging therein that on the intervening night of 05/06.04.2024, he had parked his vehicle i.e. white colour Scorpio Mahindra bearing



engine No.YSN4H80795, Chassis No.MA1TA2YS2N2J42388, in front of his house and next morning he found the same to be missing. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, co-accused namely, Harpreet @ Ghatha who was in custody in connection of another FIR No.100/24, registered under Section 379 of IPC, suffered disclosure statement admitting his involvement in this case. He has also been joined in the investigation in this case and stolen car was recovered from him. During the course of investigation, he also disclosed the name of the present petitioner and co-accused Pawan and Yogesh as the persons who had helped him in getting theft of vehicle and the petitioner was nominated as such. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which was dismissed by learned Additional Sessions Judge, Faridabad vide order dated 01.08.2024.

It is argued by learned counsel for the petitioner that stolen vehicle stands recovered from the co-accused. The petitioner was not named in the FIR and he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which is not admissible in the eyes of law. No recovery is to be effected from him. He is ready to join the investigation and his custodial interrogation 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 24.09.2024.

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. Thereafter vide order dated 24.09.2024, the petitioner was again directed to join the investigation.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 24.10.2024. Recovery already stands effected from the petitioner and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 21.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

10.12.2024
Jyoti-IV

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