



CRM-M-42523 of 2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-42523 of 2024 (O&M)
Date of Decision: 31.08.2024

Amit Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

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

Mr. Sumit Sangwan, Advocate
for respondent No.2/complainant.

Manisha Batra, J.(Oral)

1. Prayer in the instant petition has been made by the petitioner for grant of anticipatory bail in case FIR No.231 dated 25.07.2024 under Sections 305 and 331(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Dadri, District Charkhi Dadri.

2. The allegations levelled in the FIR by complainant-Inder Singh are that the petitioner who is his elder son is addicted to vices of gambling and alcohol. On 24.07.2024 at about 10 am, the complainant along with his other family members had gone to in-laws house of the petitioner and when he came back to his house in the evening, he found that cash amount of Rs.90,000/-, gold and silver jewellery, some important documents and signed pronotes kept in an iron box and suitcase in his house were missing

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while alleging that the theft in his house had been committed by the petitioner along with co-accused Kalia who is his friend he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner along with co-accused had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Charkhi Dadri which has been dismissed, vide order dated 09.08.2024.

4. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and he is ready to join the investigation. In fact on 24.07.2024, he had gone to Rohtak in his car bearing No.HR-26-CJ-1113 for some personal work and thereafter had gone to Bhiwani and had stayed at Bhiwani on the same night and came back in the next morning. He had even crossed the Toll Plaza NH-152D. The complainant is his father and nursing a grudge against him since he himself is keeping and maintaining his grand-father who had been thrown out by the complainant and his grand-father has filed a petition seeking maintenance from his father as well as for cancellation of release deed and proceedings are pending before the Court of Sub Divisional Magistrate, Charkhi Dadri. It is submitted that the complainant has filed a suit for dishonouring the petitioner from his property. He has lodged this FIR as a counter blast to the proceedings initiated by his grand-father. He did not commit any offence. His custodial interrogation is not required. No purpose would be served by detaining him in custody and therefore, it is urged that the petition deserves to be allowed.

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6. Learned State counsel has appeared on advance notice of the petition. At this stage, Power of Attorney on behalf of respondent No.2-complainant has also been filed.

7. Learned State counsel as well as counsel for respondent No.2/complainant are ready to argue the matter and have submitted that there are specific and serious allegations against the petitioner. He is a habitual offender as four criminal cases have been registered against him. He has even been convicted in a case FIR lodged under Sections 323, 506, 147 and 149 IPC. He is indulged into drinking and gambling. He had trespassed into the property of the complainant and committed theft of gold and silver ornaments and cash amount of Rs.90,000/-. Recovery of the same is to be effected from him and for that purpose, his custodial interrogation is required. It is further argued that even otherwise, no extraordinary and sparing circumstance warranting exercise of powers for grant of anticipatory bail has been made out in this case and hence, the petitioner does not deserve to be extended the benefit of anticipatory bail.

8. I have heard learned counsel for the parties at length and perused the material placed on record.

9. The petitioner along with his friend i.e. co-accused is alleged to have criminally trespassed in the house of the complainant in his absence and is further alleged to have committed theft of gold and silver ornaments and cash amount of money from the house of the complainant in broad day light. There are specific and serious allegations against the petitioner. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but

