

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-49522-2023
Date of Decision:12.03.2024

Sourabh Singroha
Vs.
State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. C.S. Bagri, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. H.S. Ghuman, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 03.10.2023, following order was passed:

“Petitioner prays for grant of anticipatory bail in case FIR No.0450, dated 16.08.2023, under Sections 380 and 457 of IPC, registered at Police Station Pinjore, District Panchkula.

As per prosecution allegations, on 14.08.2023, complainant Aalok Singh left his home for Khatu Shyam at about 6 am. When he returned on 15.08.2023 at about 10.30 pm, he found the lock of his house broken. On checking, jewellery worth ₹25 lacs and cash amount of ₹9 lacs were found to be missing. Further prosecution case is that on 19.08.2023, i.e. after four days, the petitioner himself made whatsapp call to the complainant and returned the jewellery to him, stating that cash amount shall be returned to him by his father.

It is contended by learned counsel for the petitioner that the allegations against the petitioner are false; that petitioner is not named in the FIR; that there is no eye witness to the occurrence and that story put forth by the prosecution is quite improbable.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent-State. Mr. Harkirat Singh Ghuman, Advocate has appeared and filed Vakalatnama on behalf of the complainant. Copy of paper book be supplied to them during the course of day.

Learned State counsel submits that there is CCTV footage, in which petitioner is seen entering the building. However, it is conceded that petitioner as well as the complainant reside in the same building. It is also conceded that CCTV footage does not show entering of the petitioner in the house of the complainant.

Having regard to the aforesaid facts and circumstances, let complete status report be filed by the respondent-State, by specifying the role of the petitioner and also the incriminating material found against him.

Adjourned to 19.12.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

It was informed by learned State counsel on 19.12.2023 that though petitioner had joined the investigation in compliance of order dated 03.10.2023 but not co-operated in the same as he did not get recovered the cash amount of ₹9,00,000/-.

Status report by way of an affidavit of Shri Joginder Sharma, HPS, Assistant Commissioner of Police, Kalka, Panchkula has already been filed on behalf of respondent- State.

Learned counsel for the petitioner contends that there is no

evidence of stealing the amount of ₹9,00,000/-, the recovery of which is sought from the petitioner. Learned counsel has also drawn attention towards the observations made by this Court in its order dated 03.10.2023 as per which though the petitioner is seen entering the building but it is the conceded position that petitioner as well as complainant resides in the same building.

Learned State counsel as well as learned counsel for the complainant concedes the said fact that apart from the alleged admission of the petitioner, there is no material at this stage to show that petitioner had taken away the amount of ₹9,00,000/-.

Having regard to the aforesaid facts and circumstances, and the fact that petitioner has already joined the investigation, but without commenting anything further on the merits of the case order dated 03.10.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 12, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No