



207

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

CRM-M-47572-2024

Date of Decision: 30.09.2024

Azad Singh (@ Azad Punia

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S.Beniwal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in FIR No.260 dated 30.07.2024 registered under Sections 303 of BNS, 2023 (Due to non-availability under Section 303(2) BNS 2023 in CCTNS U/s 303 BNS 2023 mentioned) at Police Station Bhuna, District Fatehabad.

2. The FIR in the present case was registered on the basis of the statement made by Amit son of Jaibeer and the same has been reproduced below:-

“To, the Station House Office, Police Station Bhuna, Fatehabad, Subject - Registration of the FIR regarding theft of SOLAR Tubewell starter. Sir, we are Amit son of Jaibeer Singh, Mahabir son of Amilal, Savitri Devi wife of Jai Singh and Rajesh son of Phool Singh, residents of village Chaubara, Tehsil and District Fatehabad. That solar tube wells are installed in our fields



which falls on Chaubara Jandli Kalan Road. Today on 30.7.2024, when we went to our fields, the starter of our solar tubewell were found stolen. We found it ourselves. We inquired in the neighborhood but did not get any clue. A case should be filed against the unknown person and strict action should be taken and our starter should be recovered. 1.Amit son of Jabir Singh- 10 HP Galo Energy, 2. Mahabir son of Amilal - 7.5 HP Yellow Solar, 3. Savitri Devi wife of Jai Singh -7.5 HP Laxmi Solar, 4. Rajesh son of Phul Singh 10 HP Himalaya. Thanks. Date 30.07.24 Applicants Sd/- Amit son of Jaibeer. ”

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been involved only on the basis of the statement made by Anil Kumar, co-accused in police custody, which is inadmissible in evidence. He further contends that four starters of solar tubewells have already been recovered from Anil Kumar, co-accused. Anil Kumar has already been granted the concession of regular bail by the trial Court. He further contends that the petitioner was not present in District Fatehabad on the date of occurrence and has been falsely involved by the police.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Bhuna, District Fatehabad has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel submits that in the present case, Anil Kumar, co-accused was arrested by the police on 31.07.2024 and his disclosure statement was recorded by the police to the following effect:-

“I have been doing the work of installing solar plates for about a year and I after survey of solar water pumps in



Fatehabad district, get solar energy connections installed for farmers. I have friendship with Azad Punia (petitioner-accused) son of Bhagat Ram Bishnoi resident Khajuri Jati of my village. I and my friend Azad Punia (petitioner) together talked about stealing the solar starters installed in the fields and selling them outside. He further disclosed that on the night of 29-30/07/2024, we stolen four solar tube starters from the fields of Chaubara village after riding on the motorcycle of my friend Azad Punia (petitioner) and kept hid them in a nearby field to sell them and to divide the money equally.”

5. She further contends that Anil Kumar, co-accused had also demarcated the place from where he alongwith the petitioner had committed theft of starters of solar tubewells. She further contends that the petitioner had conspired with Anil Kumar, co-accused to steal the starters of the solar tubewells and the motorcycle, which was used in the commission of crime, is yet to be recovered from the petitioner. Thus, the custodial interrogation of the petitioner would be required in the present case.

6. I have heard learned counsel for the parties and persued the record.

7. From the submissions made by learned State counsel, it is evident that the petitioner and his co-accused had hatched a conspiracy to steal the starters of solar tubewells from the fields of the villagers. The petitioner had brought his motorcyle in the night and the petitioner and his co-accused had gone on the motorcycle to steal the four starters. Thus, it is apparent that the petitioner was involved with Anil Kumar, co-accused and even his custodial interrogation is required for the purpose of effective recoveries of the motorcycle and other material.



8. Keeping in view the gravity of the matter, the petitioner is not entitled to the concession of anticipatory bail. Thus, the present petition deserves to be dismissed.

30.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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