

208 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-53394-2023 (O&M)
Date of Decision: 18.04.2024

Manish Singh

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepam Ragav, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 526 dated 15.09.2023 registered under Section 381 IPC, at Police Station, Pataudi, District Gurugram.

2. The above FIR was registered with the allegations that complainant was working as Manager with A.E. Enterprises, engaged in the supply of manpower and is also associated with Flipkart company. One of the employees, namely, Saif Ansari committed theft of mobile phones.

3. Learned counsel contends that petitioner is not named in the FIR; nor any recovery is to be effected from him. Also contends that he has been nominated as an accused merely on the basis of disclosure made by co-accused Saif Ansari and Nitin. Further contends that there is no other criminal case pending against the petitioner.

4. *Per contra*, learned State counsel opposed the prayer while submitting that as per disclosure of co-accused, namely, Saif Ansari and Nitin,

46 mobile phones were allegedly sold to the present petitioner and recovery of the same is yet to be effected.

5. Heard learned counsel for the parties and perused the paper-book.

6. From para 8 of the affidavit dated 07.11.2023 furnished by Sh. Harinder Kumar, Assistant Commissioner of Police, Pataudi, Gurugram, it transpires that petitioner is the main accused and as per disclosure made by co-accused, all these 46 stolen mobile phones are in possession of the petitioner; Hence his custodial interrogation is very much necessary to effect the recovery of alleged mobile phones.

7. In view of the above, this Court is not inclined to accept the pre-arrest bail application.

8. Consequently, there is no option, except to dismiss the petition.

9. Ordered accordingly.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.04.2024

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No