

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-56550 of 2022(O&M)
Date of Decision: 30.01.2024

Mohd. Ilyas Khan & Anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Tarun Singla, Advocate
For the petitioners.

Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners seeking grant of anticipatory bail in criminal case having FIR No. 822 dated 01.10.2017, registered under Sections 379 IPC at Police Station Surajkund, District Faridabad, to which offence under Sections 420, 201, 467, 468 and 471 IPC was added lateron.

2. The allegations in nutshell are that on 01.10.2017 the complainant got down from his Innova car No. UK07BK-2826 to ask the Chowkidar to open gate of C-Block, Greenfield and in the meantime three boys came on a motor cycle and he also enquired from them about Chowkidar and when the complainant went inside to call Chowkidar, in the meantime, one of the said boys sat in the car of the complainant and sped away from there. The matter was reported to the police. During investigation, co-accused Anil and Purshottam were arrested by police on 06.08.2019 and aforesaid stolen Innova car was recovered from their possession. Thereafter, co-accused Azhar was arrested by police, who

disclosed the names of both the petitioners and one Aslam. There are allegations that petitioner tampered with engine number and chasis number of aforesaid Innova car.

3. The counsel for the petitioners submits that FIR in this case was registered against unknown persons and later on stolen Innova car was recovered from possession of Anil and Purshottam, who named another co-accused Azhar and thereafter police arrested Azhar and the petitioners were nominated as accused on the basis of alleged disclosure statement made by Azhar. The counsel for the petitioners further submits that the petitioners have joined the investigation with the police and nothing remains to be recovered

4. The present petition is resisted by the State counsel who on instructions from ASI Dinesh Kumar submits that the petitioners have joined the investigation with the police and that recovery of stolen Innova car was effected from co-accused Anil and Purshottam who further named one Azhar as accused and on arrest of accused Azhar he disclosed about the involvement of the petitioners and one Aslam in the present case. The State counsel further submits that allegations against the petitioners are that they tampered with engine and chasis number of the stolen Innova car. However, the State counsel has not disputed the fact that co-accused Aslam who was also nominated as accused on the basis of disclosure statement of Azhar is already given concession of anticipatory bail by this Court vide order dated 22.02.2023 having CRM-M 54019 of 2022.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, FIR in this case was registered against unknown persons with regard to theft of Innova car. Later on recovery of said Innova car was effected from co-accused Anil and Purshottam and thereafter co-accused Azhar was nominated as accused who further disclosed that petitioners and Aslam were also involved in the aforesaid theft of car. Admittedly, co-accused Aslam is already granted anticipatory bail by this Court vide order dated 22.02.2023. Even the petitioners have joined the investigation with the police. The recovery of stolen car is already effected. In the given circumstances, no purpose is going to be served even if the petitioners are subjected to custodial interrogation.

7. For the foregoing reasons, without commenting on the merits of the case the present petition is allowed and order of interim bail dated 07.12.2022 is made absolute. The petitioners shall abide by the conditions specified in Section 438(2) Cr.P.C. and should join further investigation as and when asked to do so by the police.

30.01.2024

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No