

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-63552-2023

Date of decision: 11.01.2024

Anish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nafees Ahmed Khan, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana assisted by
ASI Baljt.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.22 dated 28.02.2023 under Sections 341, 342, 392, 397 of the IPC and Section 25 of the Arms Act (Section 25 of the Arms Act deleted and Sections 27(1), 25(1-b)(a) of the Arms Act added lateron), registered at Police Station Sohna, District Gurugram.

2. On the last date of hearing it had been contended by the learned counsel for the petitioner that neither had he been named in the FIR in question nor any suspicion raised qua the involvement of the petitioner in the crime in question much less by way of a whisper at the time of the lodging of the FIR in question.

3. On being put to notice, learned State counsel has vehemently opposed the prayer made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the

petitioner. Learned State counsel, on instructions, has submitted that the petitioner along with co-accused in a predetermined manner firstly stopped a vehicle on the highway which was carrying electronic goods; all the accused including the petitioner after signalling the driver of the vehicle to stop, blocked his way by bringing their motorcycles in front of his vehicle; thereafter the accused who were armed with firearms and knives at gun point pushed the driver of the vehicle and after putting him in fear of dire consequences confined him inside the vehicle while the electronic goods etc. which were being transported were then stolen by the accused. The vehicle was thereafter taken to a remote forest area of Mewat where it was abandoned along with the driver of the vehicle who had been blindfolded by them. Learned State counsel has in the wake of the serious allegations levelled against the petitioner prayed for dismissal of the instant petition as his custodial interrogation is required by the investigating agency.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In view of the serious allegations levelled against the petitioner of having actively participated in the crime in question wherein after putting the driver of the vehicle in fear at gun point, which was transporting electronic goods, boxes etc., all the accused including the petitioner not only stole the goods but also abandoned the vehicle in a remote forest area, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner and concurs with the learned State counsel that the custodial interrogation of the petitioner would be required in the instant case.

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6. Accordingly, the instant petition is hereby dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.01.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No