

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

CRM-M-8381-2025
Reserved on: 03.04.2025
Pronounced on: 29.04.2025

Vaibhav Chhabra ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manan Bhardwaj, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

Mr. Rishabh Gupta, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	13.01.2025	City Karnal, District Karnal	3(5), 306, 316(4) of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are taken from reply/status report filed by State counsel, which reads as follows:

“2. That brief facts of the case are that the Complainant Tarun Bansal son of Parkash Bansal gave a complaint that he is the Director of OPS Saraf and sons and their company is the business of retail sale of jewellery Vaibhav Chhabra son of Shri Vinod Kumar, resident of H.No.34/3, Ram Nagar was working as Sales Manager and Arun Kumar son of Shri Satish Kumar, resident of H.No.2571 Ambedkar Nagar, Sadar Bazar, Karnal was working as cashier. Complainant further stated that the above named accused in connivance with each other had stolen the gold weighted about 2 Kgs by replacing the tags of ornaments and also made fraudulent entries in the account books and when he told them to compare the account

books, then they stopped coming to the shop and since past few days they were verifying the stocks and it was found that the stocks did not match, the complainant moved the present application and they have apprehension that some other employees of company and some outsides are also involved in the said offence. Hence, it is prayed that strict legal action may kindly be taken against the aforesaid persons, hence the above FIR.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply/status report.

6. On the last date of hearing, following order was passed:-

“Petitioner's counsel has brought a cheque for an amount of Rs.12 lac in favour of the complainant. However, complainant's counsel outrightly refuses to accept the same and submits that he will accept the demand draft only and that too only if he has instructions.

Let the petitioner bring a demand draft of Rs.12 lac in favour of the complainant.

Complainant's counsel to have instructions in the meantime.

List on 3.4.2025.

Interim order to continue.”

7. Today, demand draft has not been brought by the petitioner.

8. Counsel for the petitioner submits that in none of the CCTV cameras, petitioner was seen roaming around to have mis-appropriated the jewellery. Counsel for the complainant submits that petitioner was having due knowledge about the placement of CCTV cameras, hence he conspired the theft in a way so as to avoid his footage becoming captured. Moreover, apart from petitioner, the involvement of his cohorts also cannot be ruled out inasmuch as the theft was a planned conspiracy. Counsel for the petitioner submits that one of the main accused namely Arun Kumar has not been made accused and petitioner is entitled to same treatment. To this, State counsel submits that investigation is going on and if he is found involved, they would certainly make him accused. Counsel for the petitioner submits that the petitioner has joined investigation, as such he has right of bail. State counsel submits that joining investigation without cooperating and without leading the police to recover the amount would not bestow his absolute right. Counsel for the petitioner submits that the investigation is going at slow speed, however State counsel submits that they would ensure that investigation will be expedited.

9. Counsel for the petitioner submits that the petitioner is a first offender. Counsel for the complainant submits that amount is massive and despite massive opportunity to the petitioner to help in recovering the money, he took the Court for a ride.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.