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

CRM-M-18933-2024

Date of decision: 20.02.2025

Arun Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Pranav Chamoli, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.32 dated 01.02.2024 (Annexure P-1) under Section 381 IPC and Sections 212/406 of IPC added later on, registered at Police Station Munak, District Karnal (Haryana).

On 22.01.2025, the following order was passed:-

'Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No.32 dated 01.02.2024, registered under Section 381 IPC (Sections 212 and 406 IPC added later on), at Police Station Munak, District Karnal.

Learned counsel for the petitioner inter alia contends that the FIR (supra) has been registered with the allegations that Keshav Construction Company has got the contract for bridge roof work for consideration at expansion site of Indian Oil Corporation Limited, Karnal and Keshav Construction Company has further given the contract to Shrine Construction Company for part of the work and it is alleged that one Satish Kumar and Buta Singh, drivers of 02 tractortrolleys in connivance with the petitioner have stolen 17 columns of iron beams weighing around 70 tonnes. Learned counsel for the petitioner refers to Annexure P-2 and submits that on 11.01.2024, prior to the date of incident, he was relieved and the relieving letter clearly indicates that the petitioner has performed his duties diligently and responsibly and further it is not discernible from the case set up by the prosecution as to how the iron beams weighing to the extent of 70 tonnes were taken out by the co-accused in connivance with the petitioner and further there is nothing on record to show that the petitioner was the custodian of these iron beams lying in the yard of Bridge & Roof Company (India) Limited and maximum



sentence provided for which the FIR (supra) has been registered is upto 07 years and the petitioner was granted the concession of ad interim anticipatory bail by the learned Additional Sessions Judge, Karnal, however, the same was dismissed on the ground that the petitioner is not cooperating in the investigation and further the custodial interrogation of the petitioner is not required as one of the coaccused – Satish has already been arrested by the jurisdictional police authorities and his police remand was taken and as such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754**.

Per contra, learned counsel for the State assisted by learned counsel for the complainant has vehemently opposes the prayer made by learned counsel for the petitioner on the ground that huge quantity of iron beams valued at Rs.70 lacs has been taken away by the petitioner in connivance with the other accused and the custodial interrogation of the petitioner is required to ascertain the modus operandi.

Adjourned to 20.02.2025.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022)10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS/438(2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from SI Ashok, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 22.01.2025 is hereby made absolute. The petitioner shall abide by the terms and

conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.02.2025
Neha

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