



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

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**CRM-M-40482-2024(O&M)
Decided on :23.01.2025**

Raseed

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in case FIR No. 98 dated 07.02.2024, under Section 379 IPC (Section 34 of IPC was added later on) registered at Police Station Sector-58, Faridabad, District Faridabad.

2. On 22.08.2024, this Court has passed the following order:

“ The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.98, dated 7.2.2024 at Police Station Sector-58, Faridabad, District Faridabad, Haryana under Section 379 of Indian Penal Code, wherein offence under Section 34 IPC was added later on.

The FIR was registered at the instance of Ajit Kumar, wherein it is alleged that on 6.2.2024 he had parked his motorcycle in front of RSPL Dharamkanta in Sector 25 and when he returned back after having meals he found that his motorcycle was missing. It is the case of



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prosecution that subsequently Bablu, Sandeep and Dinesh, who were in custody in connection with another FIR i.e. FIR No.58 of 2024 registered at Police Station Central Faridabad, under Section 379 of Indian Penal Code admitted having stolen the motorcycle and further disclosed that they had sold the same for an amount of Rs.5,800/- to their known scrap dealer Aarif and Raseed. The aforesaid Aarif was arrested and motorcycle was recovered from him.

Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused, who themselves have been apprehended on the basis of their own disclosure statements while they were in custody in connection with another case. Learned counsel further submitted that, in any case, the recovery of stolen motorcycle has been effected from co-accused Aarif and not from the petitioner.

Notice of motion for 23.1.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel submits that in pursuance to the order dated 22.08.2024, the petitioner was required to join the investigation, but he has not come forward to join the investigation. Learned State counsel further



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submits that the petitioner was involved in other criminal cases also and he did not have any idea/knowledge of the interim order dated 22.08.2024 passed in the present petition, therefore, he never apprised the Investigating officer about the same. Thus, on the basis of the production warrant, arrest of the petitioner was effected in the present case on 12.12.2024. Resultantly, present petition be disposed of as having been rendered infructuous on account of the fact that the petitioner has already been arrested.

Learned State counsel on instructions from the Investigating officer, who arrested the accused submits that, he was never made aware of the interim order, therefore, the petitioner has already been arrested. He also submits that had there been any inclination to join the investigation the concerned investigating officer could have been apprised by the petitioner, but no such step was taken by the petitioner as four months period had already passed from 22.08.2024 to his arrest.

4. I have considered the explanation given by the learned State counsel and there is no need to proceed to call for any explanation from the concerned Investigating officer, until the submissions are factually found to be incorrect. In view of the above, the present petition is disposed of as having become infructuous.

**(SANJAY VASHISTH)
JUDGE**

January 23, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No