



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-4694-2025
DATE OF DECISION: 28.01.2025

NAEEM

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imtiyaz Husaain, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief Sought**

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 147 dated 10.05.2024 under Sections 379 and (Sections 34, 411, 413 and 201 IPC added later on) at P.S. Faridabad-NIT District Faridabad.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Sir, it is requested that I am Jagdish Singh, son of Nihal Singh, resident of house number 119 Nishan Hut-5 NIT-5 Faridabad. I have a vehicle number HR38AF3764 Mahindra Maxi Truck (Pickup) whose colour is white, model number is 2023, whose engine no. UKPIC83388 and chassis number is MAIZP2UKKP1C32089. Which I had brought on 10/5/2024



around 1.15 pm and parked it in the street outside the house. When I woke up at 3.10 in the night, the vehicle was not found there, I searched here and there a lot and at the same time, I had also dialled BT on 112 in the control room. An unknown person stole my car and took it. FIR should be lodged for theft of my car and a search should be done. Now I have come to the police station for action. Applicant Jagdish Singh Jagdish Singh NH-119 NITS FARIDABAD-HARYANA 121001 M. 9811816355 10/5/2024 AJ Police Station:-Hasb Aam Dakhaast Mudai Jagdish Singh On receipt of the above in the police station Haja, the maintained Mo.No. 147 dated 10.05.2024 Section 379 IPC PS NIT FBD will be registered and copies of the FIR will be prepared by computer as per rules and sent to the service of the concerned officer. In the case of fake police and the real complaint, I go to the spot with the ASI and go to the spot.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as the FIR was registered against some unknown persons. He submits that the name of the petitioner was not there in the FIR and his name came only in the disclosure statements of the Co-Accused-Imamuddin and even the co-Accused Imamuddin was also named based on the disclosure statement of the co-Accused Shahruk. He has argued that the disclosure statement is not correct and there are lots of contradictions in the disclosure statement as in first disclosure statement (Annexure P-3) the co-accused alleged that only 5,000/- were given by the Rizwan and 35,000/- rupees he asked to give later on while in his second disclosure statement (Annexure P-4) he states that 10,000/- were given



and rest 30,000/- has to be paid later on. He has further argued that in first disclosure statement only Rizwan was named but in his second disclosure statement he took the name of co-accused Imamuddin also, which proves the false implication. He vehemently points out that except the confessional statement of co-accused there is no evidence against the applicant/accused to connect him with the alleged offence, moreso, he is not a habitual offence as no other case is registered against him. He also points that no recovery is to be made from the petitioner and he is ready to join the investigation therefore, the petitioner may be granted relief of anticipatory bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that stolen vehicle and the stolen money is yet to be recovered, therefore, prays for dismissal of the petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that there is contradictions in the disclosure statements made by co-accused on the basis of which the petitioner has been arrested in this case and he is not a habitual offence as no other case is registered against him, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for



furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation



within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

28.01.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No