

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CNR No: PHHC011469442026

2026:PHHC:123002



103

CRM-M-49265 of 2026(O&M)

Date of Order:02.09.2026

Bashar Ahmed

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Sarthak Jindal, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

SHALINI SINGH NAGPAL, J. (oral)

Petitioner seeks anticipatory bail in case vide FIR No.115 dated 27.07.2026, under Sections 305, 306, 61 (2) of BNS, Police Station Koom Kalan, Ludhiana, District Ludhiana. This is the first application for anticipatory bail.

2. The facts, as narrated in the FIR, noticed by learned Additional Sessions Judge, Ludhiana, in his order dated 19.08.2026, regarding which no dispute has been raised, are as follows:

'A perusal of the record reveals that the law was set into motion on the basis of statement of complainant Piyush Aggarwal, on the allegations that he owns a garment manufacturing factory in the name of M.K. Aggarwal, situated at Plot No. 510, Lakshita Cluster Colony, Kohara-Machhiwara Road. His factory had remained closed for about three months. Three security guards had been deployed by King Group Security, Plot No. 709, HJS, H.J. Block, BRS Nagar, Ferozepur Road, Ludhiana, namely Mankhush Jha, Sukumar and Kuldeep. The security guards were looking after the factory. During the night intervening 22/23-07-2026, he went to the

factory for a round. The factory gate was closed. He stood outside the factory and called out to the security guard, but nobody was present at the gate. He then called the Field Officer of the security agency, Apninder Singh, from his mobile phone. Apninder Singh answered the call, and he told him that the guards deployed by him were not present at the factory. As he had some urgent work, he left the place. On 24-07-2026, he asked his friend Priyash, son of Mahesh, to visit his factory and check the security guards, as he was going out for some work. His friend subsequently called him and informed him that the security guards were not present inside the factory. On 25-07-2026, he came to his factory. When he reached near the factory gate, Kuldeep opened the main gate. At that time, a boy named Ravi, on seeing him, fled from the spot on the factory's motorcycle. He then entered the factory. On seeing him, Kuldeep and another person accompanying him, namely Sushil, son of Chhedi Lal also fled from the spot. He, along with Master Raj Kumar, inspected the factory and found that 08 dyeing machines belonging to his company were missing. Parts of approximately 3½ dyeing machines were also missing. From the other hall, 10/12 small machines, approximately 150 motors, a water cooler, compressor, AC, DVR, LED, computer, all the articles lying in the maintenance room, and other articles had been stolen and taken away. During his inquiry, he came to know that his machines had been cut into pieces and stolen. He further came to know that the machines, after being cut, and the other stolen articles were loaded into a Cater vehicle, whose driver was Sodhi and were transported on different dates. They had been taken away, and two unidentified persons had been called for cutting the machines. Along with the aforesaid vehicle, four unidentified persons had been called for loading and carrying away the machines after they had been cut. He has a strong suspicion that, in the entire incident, the security guards, in connivance with the security agency, got the theft committed from his factory.'

3. Learned counsel for the petitioner submits that petitioner was not named in the FIR. He had been falsely implicated on disclosure statement of co-accused Sohlat Ali @ Raju @ Ravi, who had since been allowed regular bail by learned Trial Court. Petitioner was a 21 years old

young boy with clean antecedents. Apart from the disclosure statement

which was not admissible in evidence, there was no material against the petitioner. Petitioner, was ready and willing to join investigation and deserved the concession of anticipatory bail.

4. Notice of motion.

5. Mr. Kunwarbir Singh, AAG Punjab, who is present in the Court accepts notice on behalf of respondent-State and on instructions from MHC Jagdish Singh opposes the prayer for anticipatory bail. On instructions from MHC Jagdish Singh, he submits that though petitioner was not named in the FIR, one out of six named accused namely Sohlat Ali @ Raju @ Ravi, disclosed petitioner's name as the person who committed theft along with others. Custodial interrogation of the petitioner was required for effecting recoveries and unearthing the *modus-operandi*, therefore, petitioner did not deserve the concession of anticipatory bail. Learned State counsel further submits that though some stolen articles were recovered substantial recovery was pending.

6. The benefit of anticipatory bail cannot be granted as a matter of course or routine. While considering the prayer for grant of anticipatory bail, the Court is required to balance the right of the prosecution for free, fair and unhindered investigation as also personal liberty of the accused and interest of the society. Role attributed to the accused is required to be considered with great care and caution. Anticipatory bail being an extra-ordinary remedy is to be granted only in exceptional circumstances, where the Court is *prima facie* of the view that the accused has been falsely involved in the crime.

7. Investigation is yet pending. Recovery of most of the stolen articles is yet to be effected. It is alleged that the stolen machinery was

dismantled and cut into pieces before being transported from the factory in a planned and organized manner. Custodial interrogation of the petitioner would be necessary to complete the chain of events, to ascertain the role of all involved, the identity of others involved in the offence and the *modus-operandi* adopted. Grant of anticipatory bail would gravely prejudice the rights of the investigating agency and would hinder free, fair and effective investigation. There are no exceptional circumstances to extend the benefit of anticipatory bail to the petitioner.

8. Dismissed.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

02.09.2026

reema

Whether speaking/reasoned	:	Yes
Whether reportable	:	No