

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

CRM No.M-22796 of 2015 (O&M)

Date of decision: 20.11.2015

Kailash Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Handa, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Ranjit Singh.

Mr. Nitin Thatia, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail in case FIR No.183, dated 16.05.2015, registered under Sections 458, 380 and 34 IPC, at Police Station Focal Point, Ludhiana, District Ludhiana.

It is contended that the petitioner is in the business of selling utensils and has no connectivity with the co-accused. He has been falsely implicated in the present case only on the basis of disclosure statement of co-accused Tahir, on whose instance the alleged theft was committed in the premises of the complainant. The learned counsel further submits that at the most the FIR could be registered under Section 411 IPC. The co-accused have already been admitted to bail by the trial Court.

On the other hand, the learned State counsel opposes the

prayer of bail and states that from the call details, it was found that the petitioner as well as the main accused Tahir were constantly in touch after the theft has been committed. During the course of investigation, the statement of driver Jagdev Singh @ Soni was recorded who had stated that the stolen goods i.e. 22 quintals of copper were delivered at the premises of the petitioner.

I have heard learned counsel for the parties and perused the record.

Keeping in view the key role of the petitioner, this Court feels that no case for grant of pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

20.11.2015

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(JITENDRA CHAUHAN)
JUDGE