

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

CRM-M-38902-2015 (O&M)

Date of decision : 19.10.2016

Nirmal Singh Bhagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by Inspector Ravinder Singh.

Mr. Sangram Singh, Advocate,
for Mr. Sumeet Goel, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.145 dated 22.10.2015, registered under Sections 380 and 457 of the Indian Penal Code, at P.S. Chattiwind, Distt. Amritsar (Rural).

It is contended that the alleged incident took place on the intervening night of 21/22.10.2015, whereas, the petitioner's shift duty was already over at around 9.00 p.m. on 21.10.2015. The petitioner was not the custodian of the keys. Besides the keys, one also requires office code (four digit numerical password) at the entrance of the outer door of cash room, to enter the cash office and the same is admittedly known to only seven

persons and not the petitioner. The non-functioning of the CCTV cameras at the relevant time cannot be attributed to the petitioner. The petitioner has repeatedly joined the investigation.

On the other hand, learned State counsel, on instructions, states that it has come in the investigation that the petitioner came to the Desk of Amrik Singh, Security Guard, at 9.15 p.m. and asked him to bring the register from the Guard Room. As soon as the guard left the place, the petitioner stole the keys from the key box. It has also come in the CCTV recordings of the previous days that the petitioner was keeping close watch on the authorized persons at the time of entering the pass code and as on the date of occurrence, the petitioner knew the pass code. He also switched off the CCTV cameras to his convenience.

Heard.

Keeping in view the fact that a huge amount of Rs.38.00 lacs was stolen from the store and the investigation carried out by the prosecuting agency till date, as detailed in the reply of the State, indicts the petitioner, this Court feels that the custodial interrogation of the petitioner would be required to effect the recovery and unearth the entire conspiracy.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

19.10.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

ATUL SETHI
2016.10.20 18:00
I attest to the accuracy and
authenticity of this document
Chandigarh

