

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

CRM No.M-4669 of 2016 (O&M)

Date of Decision: 05.05.2016

Anil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. Siddharth Gupta, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.88 dated 15.10.2015, under Sections 406/420/120-B IPC (Section 379/411 IPC added later on), registered at Police Station Cantt., District Bathinda.

On 09.02.2016, while issuing notice of motion, the following order was passed by this Court:

“Counsel submits that F.I.R was got registered by the firm namely Quickdel Logistics Pvt. Ltd. against seven persons, who were working as Courier Boys on the allegations of having stolen mobile phones. The name of the present petitioner did not figure in the F.I.R. Further stated that Diljit Singh was nominated as a complainant in the present case, who suffered a statement that he had purchased a stolen iPhone from the present petitioner namely Anil Kumar, proprietor of M/s A.D. Enterprises.

Counsel would advert to an affidavit dated 7.2.2016 placed on record at Annexure P-2 of Jai Bhagwan working as

Vigilance Executive with M/s Quickdel Logistics Pvt. Ltd. and as per which a settlement has been arrived at between the firm in question as also a number of other shopkeepers/Mobile Store owners including the petitioner and to whom the mobile phones have been sold by the Courier Boys of the firm. Counsel further submits that even the iPhone that had been purchased by Diljit Singh who was subsequently nominated as a complainant, had been replaced by the Apple Company and it is very much in possession of Diljit Singh.

Notice of motion, returnable for 5.5.2016.

In the meanwhile, petitioner is directed to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Charanjit Singh would apprise the Court that the petitioner has since joined investigation.

Learned State counsel further submits that Diljit Singh who was nominated as a complainant subsequently and on whose statement the present petitioner has been implicated, has entrusted to the Investigating Agency an Apple iPhone carrying IMEI number which is different from the one that had allegedly been purchased by Diljit Singh originally from M/s A.D. Enterprises i.e. the proprietorship concern of the present petitioner.

Prima-facie, the contention raised on behalf of the petitioner that the Apple Company had replaced the mobile phone that Diljit Singh had purchased from the present petitioner appears to be correct.

Petitioner having joined investigation, his custodial interrogation, as such, would not be warranted.

Petition is allowed. Order dated 09.02.2016 passed by this
Court is made absolute.

Disposed of.

05.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**