

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 17699 of 2017 (O&M)

Date of decision : 8.8.2017

...

Manpreet Singh @ Sadhu

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. J.K. Singla, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

...

H. S. Madaan, J. (Oral)

This application for pre-arrest bail has been filed by Manpreet Singh @ Sadhu, an accused in FIR No. 36 dated 4.5.2017, under Section 406 IPC, registered at Police Station Bhikhi, District Mansa.

Briefly stated, the prosecution case is that on 20.4.2017, complainant Gagandeep Singh s/o Piara Singh, r/o Village Himmatpura, District Moga, aged about 25 years, a cloth merchant was returning home after purchasing different categories of cloth,

total value of which was Rs.80,157/- from Devji Textiles. He had kept the cloth purchased on his motorcycle. At about 10.00-11.00 A.M. when he had reached a little ahead from village Matti, a tyre of his motorcycle got punctured. He saw 2 boys sitting on pulli, identity of one of them came to know as Avtar Singh r/o Matii – present petitioner. The complainant kept the cloth near Manpreet Singh and went to get the puncture rectified, but when he returned after 20-25 minutes, he found that though Manpreet Singh was sitting there, but the person who was sitting near him was not there and cloth material was also missing. On being enquired, Manpreet Singh could not give any satisfactory reply. The complainant doubted that Manpreet Singh alongwith the other unknown person had misappropriated the cloth material. Apprehending his arrest, the petitioner has approached this Court for grant of pre-arrest bail.

The petitioner was granted interim bail with a direction to join the investigation vide order dated 18.5.2017. He has since joined the investigation. However, learned State counsel has stated that the recovery has not been got effected by him.

Learned counsel for the petitioner has contended that the cloth material was neither entrusted to the petitioner nor he came into possession thereof, as such there is no question of any recovery to be got effected from him.

After hearing rival contentions, I find that from perusal of the FIR it does not comes out that the petitioner was entrusted custody of the cloth material. Therefore, it is doubtful that he would be able to get the recovery effected. The allegations mainly relate to

the person stated to have been sitting alongwith the petitioner. I find that it would be proper and appropriate if the concession of pre-arrest bail is granted to the petitioner.

Therefore, interim bail granted to the petitioner vide order dated 18.5.2017 is made absolute, subject to fulfillment of conditions under Section 438 (2) Cr.P.C.

The petition is allowed accordingly.

(H.S. Madaan)
Judge

8.8.2017 chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No