IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No.M-43595 of 2017 (O&M)
Date of Decision: December 15, 2017

Rajvir Singh @ Gaggi and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sidhu, Advocate for
Mr. Sarabjit Singh Grewal, Advocate
for the petitioner (s).

Ms. Seena Mand, D.A.G. Punjab.

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.25 dated 31.03.2017 registered for the offence punishable under Section 379 of Indian Penal Code (for short-IPC), at Police Station Mehna, District Moga.

Heard.

FIR in this case was registered on the statement of Sukhmander Singh, who had taken the land of Gurinder Singh on lease. A 16 KV transformer installed in the fields of Gurinder Singh was stolen in the intervening night of 05/06.03.2017. Petitioners were arrested in another case bearing FIR No.64 dated 18.06.2017 registered at Police Station Sadar Moga for offences punishable under Sections 399 402, 457, 380 and 411

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IPC and 25 of Arms Act. During investigation of this case, petitioners suffered disclosure statement before the police admitting the theft of transformer from the fields of Gurinder Singh. On the basis of disclosure statement, they have been nominated in this case.

Learned counsel for the petitioners submits that petitioners were in custody when they allegedly suffered disclosure statement and police could arrest them in this case immediately after their disclosure statements.

Learned State counsel submits that FIR in this case was registered against some unidentified persons. Police has nominated the names of petitioner on the basis of their disclosure statements recorded during investigation in a case registered in another police station, though in the same district. The allegations against the petitioners are of theft of 16 KV transformer. Custodial interrogation of the petitioners to effect the recovery of transformer is required. Grant of anticipatory bail to the petitioners int his case will effect the further investigation of the case.

Keeping in view the above facts and circumstance and nature of offence, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioners.

This petition has no merits. Dismissed.

(SURINDER GUPTA)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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