

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

CRM-M-26197-2018 (O&M)

Date of Decision:- 15.10.2018

Sikander Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.39 dated 27.2.2018, under Sections 457 and 380 IPC, Police Station City Sunam, Sangrur.

The FIR was registered at the instance of Malkit Singh who alleged that he is running a mobile shop at Sunam and that on 27.2.2018 when he came to open his shop in the morning, he saw that the shutter was broken and 3 new Gionee mobile phones and 3 old mobile phones were missing. It is alleged that the theft had been committed by some unknown persons on the night intervening 26/27.2.2018.

The learned counsel for the petitioner has submitted that even from perusal of the FIR it is apparent that the petitioner is not named in the FIR and that he is sought to be implicated on the basis of one supplementary statement of the complainant, recorded on 25.4.2018 after about 2 months and also on the basis of the statement of one Charanjit Kaur recorded on

20.7.2018 wherein she stated that one Gurpreet Singh had sold a Gionee mobile phone to her. The IMEI number of the said mobile phone was found to be one of the stolen mobile phones. Said Gurpreet Singh is brother of the present petitioner. It is case of the prosecution that during interrogation Gurpreet Singh stated that the present petitioner had handed over the phone to him. Learned counsel has also submitted that in fact he has been falsely implicated by the police in as many as 11 cases and already stand acquitted in 8 of the said cases.

On the other hand learned State counsel has submitted that since Charanjit Kaur has specifically made a statement regarding her phone being bought from brother of the petitioner, the complicity of the petitioner is evident and that he does not deserve the concession of bail. It has however been informed that the petitioner has since joined investigation.

Having heard the rival submissions addressed before this Court and bearing in mind the fact that Charanjit Kaur has named the brother of the petitioner and not the petitioner in her statement and the petitioner has since joined the investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition is as such accepted and interim directions issued vide order dated 19.6.2018 are made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed and would fully cooperate with the investigation.

October 15, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No