

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

CRM-M-43886-2018 (O&M)

Date of Decision:-10.10.2018

Jaspal Singh @ Kaka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Jaspal Singh @ Kaka seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.223 dated 31.12.2017 under Section 379 of Indian Penal Code, 1860 at Police Station Samana, District Patiala.

The FIR was lodged at the instance Avtar Singh, who had alleged that he has been keeping pigeons on the roof of his house and when on the morning of 19.12.2017, he went to the roof to feed his pigeons, he found that 53 pigeons were missing and their cages were unlocked. It is alleged that although he had tried to inquire at his level but it was much later that he came to know from CCTV footage that Nishu Sharma, Lakhwinder Singh @ Kaka, Mangal Singh, Kaka Kharku and Gurmeet Singh @ Meeta had stolen his pigeons. Consequently, the FIR was lodged on 31.12.2017.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no

such CCTV footage with the police as is mentioned in the FIR. It has further been submitted that infact co-accused Nishu Sharma and Lakhwinder Singh @ Kaka, who had been arrested, have already been granted regular bail by the trial Court and that nothing was ever recovered from them.

On the other hand, the learned State counsel has submitted that the petitioner is specifically named in the FIR and since the pigeons are yet to be recovered, no case for grant of anticipatory bail to the petitioner is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the present case is based solely on the ground that the complainant came to know from CCTV footage that the present petitioner and four others had stolen his pigeons, and that today, upon asking of this Court, the learned State counsel upon instructions from the Investigating Officer, who is present in Court, has informed that the said CCTV footage is not available with the police, in my opinion, it is not a case warranting custodial interrogation. The petition, as such, is accepted. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

10.10.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge