

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

(1)

CRM-M-2420-2019

Date of decision:13.5.2019

NARESH KUMAR

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(2)

CRM-M-9471-2019

MUNISH KUMAR SINGHI

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramandeep, Advocate
for the petitioners in both case.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Naresh Kumar and Munish Kumar seeking anticipatory bail in respect of FIR registered against them vide FIR No.149 dated 7.6.2018, under Sections 380/454 of the Indian Penal Code, Police Station Kotwali, Patiala.
2. Mr. Virender Soni, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on

record.

3. The FIR was registered at the instance of Sukhdev Singh wherein he has alleged that he had purchased running business from Munish Kumar consisting of 3 shops i.e. 1961-D/1, 1961-D and 1973/1 situated at Katcha Patiala, Books Market, Patiala. It is alleged that at the time of purchase, the complainant was not aware that the seller was a hard core criminal and had also been declared as proclaimed offender. It is alleged that the accused in order to usurp the property in question involved him in a criminal case pertaining to murder of one Gurinder Singh although he was not remotely connected with the alleged murder. It is alleged that while the complainant was running pillar to post to prove his innocence, the accused stole utensils, articles meant for processing raw material for making 'Samosas', 'Kachories' etc., refrigerator & and also took away cash by breaking open lock of the house which was used as godown by the complainant and his partners. It is further alleged that CCTV footage dated 14.9.2015 also shows unloading of the raw material in the rented premises i.e. #1981/1, Book Market, Patiala.
4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that the complainant is simply trying to pressurize the petitioners to give up their rights in the business in question.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioners

are specifically named in the FIR, no case for grant of bail is made out. Upon query made by this Court, learned State counsel upon instructions from ASI Ashok Kumar has submitted that the alleged CCTV footage dated 14.9.2015 only shows that articles in question were being unloaded at the store of the complainant and that CCTV does not show that the accused had lifted or taken away articles from the said store.

6. Having regard the facts and circumstances of the present case and keeping in view the nature of allegations and also the fact that the petitioners, pursuant to interim directions issued by this Court, have joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such are accepted and interim directions issued vide order dated 31.01.2019 passed in CRM-M-2420-2019 and order dated 01.03.2019 passed in CRM-M-9471-2019 are made absolute subject to the condition that the petitioners would appear before Investigating Officer 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.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

13.5.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No