

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10622-2019 (O&M)
Date of Decision:-13.5.2019

Rajwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.221 dated 27.11.2018 at Police Station Cantonment, Amritsar under Sections 380 and 457 of Indian Penal Code, 1860.

Mr. Gursimran Singh Bhatia, Advocate has today put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The FIR was registered at this instance of Sanjay Khanna, wherein it has been alleged that on the day of occurrence after he went to sleep, his brother Sanchit Khanna returned back home after closing his restaurant at about 1:00 A.M. When his brother opened the almirah, he noticed that the locker was missing. The complainant's brother woke up the

complainant and told him that somebody had taken away the locker from the almirah. The said locker contained cash amount of ₹31 lacs and Aadhar Card of Sanchit Khanna and other documents. All the members of their family started searching for the locker and they found the same lying in a vacant plot towards the back side of their house. The said locker was found to be broken and the cash and other documents were missing. The complainant suspected that the theft has been committed by Gurinder Singh and Lucky, who were working as caretakers and their friends residents of Jhander and Ajubadal, who had been working as carpenters in their house.

It is further the case of prosecution that during the course of investigation, the name of the petitioner also surfaced as Sahab Singh, brother of co-accused Lakhwinder Singh, had invested huge money in property through the petitioner Rajwant Singh, who is stated to be a property dealer.

The learned counsel for the petitioner has submitted that he is unnecessarily being roped in the present case and that he is neither named in the FIR and even as per the role attributed in the investigation, he is merely a property dealer and cannot be said to be beneficiary of the stolen amount.

Opposing the petition, the learned State counsel has submitted that since the stolen amount had been invested with the help of the petitioner, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court, this Court is of the opinion that it is debatable as to whether the amount in question had been invested through the petitioner in his professional capacity only or as to whether he had any knowledge that the

amount in question was stolen. In these circumstances, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 8.3.2019 are hereby made absolute subject to the condition that the petitioner shall join 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.

13.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No