

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

101

Crl. Misc. No.M-11208 of 2019

Date of Decision:- 12.03.2019

Kamal Mahant

....Petitioner

vs.

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Piyush Sharma, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in FIR No. 232 dated 9.11.2018 registered at Police Station City Ferozepur, under Sections 457 and 380 IPC.

According to the FIR, a theft was committed in the Dera of the complainant while he was away along with his followers for collecting donations on the occasion of Diwali. The FIR has been registered against unknown persons.

Learned counsel for the petitioner submits that the petitioner has been named as an accused on account of a supplementary statement suffered by the complainant. There is nothing on record to indicate the source of knowledge or the basis of the said supplementary statement. The petitioner resides far away from the said Dera and has been falsely implicated. The co-accused, similarly situated as the petitioner, have been granted interim bail and, thus, the petitioner also deserves the same concession.

At this stage, Mr. Kunal Dawar, Advocate puts in appearance on behalf of the complainant and submits that the petitioner is the main accused in this case. He was the Chela of the complainant and was aware of the amount of donations and the

place where they were kept. He gained the trust of the complainant and committed the offence while the complainant was away along with his disciples including the petitioner for making the collections on the occasion of Diwali. The co-accused have named the petitioner as the ring-leader and recovery has to be effected from him. Thus, the custodial interrogation is necessary.

Having heard learned counsel for the parties and having perused the record, it becomes clear that according to the allegations of the complainant and the case being projected by the prosecution, the petitioner is allegedly the ring leader. He acquired the trust of the complainant and gained knowledge of the places where the wealth of the Dera was kept. This knowledge was mis-utilized by him for his personal gains. Recovery has yet to be effected and, thus, custodial interrogation of the petitioner is necessary.

Accordingly, there is no merit in the petition and the same is dismissed.

March 12, 2019
poonam

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned **Yes**

Whether reportable **No**