

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-34415-2020

Date of Decision:29.10.2020

Baldev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.**

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.20 dated 20.03.2020 under Sections 380, 427, 34 IPC (the offence under Section 411 IPC was added later on), registered at Police Station Raja Sansi, District Amritsar Rural.

The aforesaid FIR was registered on the statement made by complainant-Jasbir Singh. As per FIR, on 19.03.2020 at about 3.00 PM, when the complainant went to his Kothi Plot No.269, Ram Tirath Road, Amritsar, he found that the lock installed on the main gate of his house was broken and the main gate was opened. The complainant and his friend Satnam Singh entered the house and noticed that a lot of material in the house was broken and a lot of material was lost also. He made videography

of the house on the mobile phone. 02 shower marka plumber, 6 concealed lights, 10 switch along with sheet board, 10 M.C.B. (switch) marka havell, some plastic pipes and many other domestic material were found stolen from the kothi of the complainant. Thereafter, the complainant came to know that Akashdeep Singh @ Akaash has committed the theft along with his companion. It is on the basis of disclosure statement made by Akashdeep Singh @ Akaash, who is a juvenile, the petitioner was named as an accused for having purchased the stolen articles.

Learned counsel for the petitioner has argued that the petitioner is running a grocery shop, whereas his father is dealing in the business of scrap. There is no other case against the petitioner like the present one. In this manner, the petitioner has not taken such stolen sanitary items from co-accused Akashdeep Singh @ Akaash and recovery, if any, has already been effected from Akashdeep Singh @ Akaash, who is a juvenile.

Notice of motion.

At this stage, Mr. Bhupender Beniwal, A.A.G., Punjab, has put in appearance and accepts notice on behalf of the respondent-State. He submits that it is on the basis of disclosure statement made by Akashdeep Singh @ Akaash, name of the petitioner has cropped up, who used to sell the stolen articles on payment of Rs.5,00/- and Rs.1,000/- to the petitioner and it has also come in the disclosure statement that the petitioner has provided hammer and chhini, which were used by the co-accused Akashdeep Singh @ Akaash, while committing the theft in the house of the complainant. He further submits that the petitioner is dealing in the business of scrap.

Heard learned counsel for the parties.

Name of the petitioner has cropped-up on the basis of disclosure statement made by Akashdeep Singh @ Akaash, who is a juvenile. In the statement, he has disclosed that he(Akashdeep Singh @ Akaash) used to sell the stolen items on payment of Rs.5,00/- and Rs.1,000/-. The petitioner has arranged the hammer and chhini to co-accused Akashdeep Singh @ Akaash, so as to commit the theft in the house of the complainant. In this manner, there are allegations against the petitioner that he accepted the stolen articles and has also arranged hammer and chhini and the co-accused Akashdeep Singh @ Akaash committed theft in the house of the complainant. No case for the grant of anticipatory bail to the petitioner is made out.

Dismissed.

October 29, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No