

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

CRM-M-55601-2019

Date of Decision: 13.01.2020

Khushpreet Singh @ Khushi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for anticipatory bail and release of the petitioner on bail in the event of his arrest of FIR No. 254 (Annexure P-1), dated 13.12.2018 under Section 457/380/511 IPC, 1860 P.S. Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and this is a false case registered against him. He has further argued that his name was never mentioned in the FIR therefore, no role was attributed to the petitioner.

Learned State counsel on instructions submits that although the petitioner has not been named in the FIR but this is a case where police received an information that three unknown persons entered in the room of the

ATM Machine of Punjab National Bank situated at King Enclave, Aman Park with intention to commit theft. When the police party reached there, one blue-black color Splender Motorcycle bearing registration No. PB-10 AW-2887 and near from the motorcycle black-grey color bag was recovered with six bottles of gas which was lying inside it on which Ajay Air Torch (Quality fuel for stove & torches) Butane Gas was written and above mentioned motorcycle was taken into custody as evidence and recovery memo was also prepared. Thereafter, on the basis of investigation three accused were nominated in this case and the petitioner is one of the accused persons. He has further submitted that matter is serious in nature and requires custodial investigation.

After hearing learned counsel for the parties and perusing the records it can be seen that as per the FIR itself the recovery has been made with regard to allegedly those equipment which could used for the purpose of breaking the ATM machine.

The argument of the learned counsel for the petitioner that he was not named in the FIR seems to be improper because as per FIR they had fled away from the spot at that point of time and were nominated after the investigation was made by the police. In view of the above and considering the totality of the circumstances, this Court does not find this a fit case to interfere.

Consequently, the petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

13.01.2020
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No