

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19652-2021 (O&M)

Date of Decision: May 28, 2021.

SANJEEV KUMAR @ ASHU RAM

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks concession of anticipatory bail in FIR No. 46 dated 22.04.2021 under Sections 379, 413 of IPC (Section 473 IPC added subsequently but not mentioned in the head-note and prayer clause of the petition), registered at Police Station Bajakhana, District Faridkot. Accepting oral request of learned counsel for the petitioner, Registry to add the said sections in the head note and prayer clause of the petition.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and there is no evidence on record to connect the petitioner with the offence in question. It is merely mentioned in the FIR that stolen articles have been sold to the present petitioner without any basis and there is no evidence to this effect. Petitioner, it is further

submitted, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition.

Heard.

As per allegations in the FIR, secret information was received by the police authorities on 22.04.2021 that one Nachhatar Singh @ Bhola son of Kapura Singh, Surjit Singh son of Fangan Singh, Paramjit Singh @ Mottu son of Mukhtiar Singh @ Kala, Gaggu Singh son of Mukhtiar Singh @ Kala, Jagsir Singh son of Ranjit Singh and Janta Singh son of Mara Singh (non-applicants) were habitual of stealing valuable copper and coil etc. from the transformers installed in the fields of areas of village Bargari Bajakhana and Jaito and they sold the same to the present petitioner namely Sanjeev Kumar @ Ashu Ram. Information about the accused persons travelling from village Burj Jawaharsingh Wala towards village Bargari was received on 23.04.2021. Accused Nachhatar Singh @ Bhola, Karamjit Singh @ Mottu and Jagsir Singh were apprehended. One Sukhjot Singh son of Fangan Singh, Surjit Singh @ Billi and Budh Singh son of Darshan Singh were nominated as accused on the basis of disclosure statement of Karamjit Singh @ Mottu. Seven plastic bags containing copper were recovered from the house of Surjit Singh son of Fangan Singh. Copy of status report by way of affidavit of Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot has been circulated. A print out of the same be taken and attached with the file. The said affidavit be filed with the Registry within one week.

Learned counsel for the State is unable to point out any palpable evidence on record at this stage, to connect the present petitioner with the offence in question except narration in the FIR about information about co-accused selling stolen items to the petitioner. Learned counsel for the State, on instructions from ASI Jaswinder Singh verifies that petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that petitioner is likely to abscond and not be available to face trial, if released on bail. Custodial interrogation of the petitioner is not required in the factual matrix of the case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Petitioner shall join investigation as and when required by the investigating agency and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

28.05.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No