

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

CRM-M-44766 of 2021

DECIDED ON: 6th December, 2021

Rohit Tiwari

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vinay Puri, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. Bhupinder Gupta, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 108 dated 3.9.2021, under Sections 381, 420, 506 and 120-B IPC, registered at Police Station Maqsudan, District Jalandhar Rural.

The FIR was got registered at the instance of Jyotdeep Singh. The allegations are that the Vikas Joshi was working as Sales Manager in the concern of the complainant. On 20.8.2021, the complainant was not present in the business premises due to ailment of a family member. After three days, he checked CCTV footage and found that Rohit Tiwari (petitioner) had loaded the goods twice and weighed the vehicle only once. He again third time loaded three rolls of shutterpatti strip without weighing it. The complainant took back the mobiles given to the Vikas Joshi and petitioner. It is alleged that the accused were in contact with Ajay Kumar, Prop. of Ajay Hardware and with his connivance they had been stealing the goods from the factory. It is claimed that the incident is recorded in the CCTV footage.

Learned counsel for the petitioner submits that it is a case of false implication, petitioner was given beatings by the complainant and his brother and father. In spite of making complaint the version was not recorded by the police. There is no direct evidence against the petitioner and in case so required, the petitioner volunteers to give voice sample. He further submits that co-accused was granted interim anticipatory bail by this Court. The petitioner is in custody since 3.9.2021.

Learned counsel for complainant vehemently opposes the prayer for grant of anticipatory bail.

Learned counsel for the State opposes the prayer for grant of pre-arrest bail. He submits that the complainant has placed reliance upon CCTV footage as well as the contents of the mobile phones.

The case is primarily based upon CCTV footage. As per the allegations, the goods were sold without weighing.

Keeping in view the facts and circumstances of the case and without commenting anything on the merits of the case, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6th December, 2021

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**(AVNEESH JHINGAN)
JUDGE**

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