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

CRM-M-852-2022

Date of decision: 18.01.2022

Ajay Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Navjinder Singh Sidhu, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.108, dated 3rd September, 2021, under Sections 381, 420, 506 and 120-B IPC, registered at Police Station Maqsudan, District Jalandhar.

[3] 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 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 Rohit Tiwari. It is alleged that the accused were in contact with Ajay Kumar (petitioner), Proprietor 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. The role attributed to the petitioner is that he was the shopkeeper to whom the stolen goods were sold by the co-accused/employees of concern.

[4] Mr. Navjinder Singh Sidhu, learned counsel for the petitioner submits that petitioner has been implicated on the basis of bald statement of the complainant with the aid of Section 120-B IPC. He is in custody since 3rd December, 2021.

[5] Mr. Sandeep Kumar, Deputy Advocate General, Punjab on instructions from ASI Satnam Singh opposes the prayer for grant of bail and submits that he is recipient of stolen goods.

[6] Having conspectus of the facts, nature of allegations, role attributed to the petitioner and considering the facts that co-accused were either granted regular bail or anticipatory bail and conclusion of trial is likely to take time, the petitioner is granted regular bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[7] The petition is allowed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

18th January, 2022
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |