

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

SR. No.212

CRM-M-4440-2022

Date of Decision:18.07.2022

Kamalpal Singh @ Ankush

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Affidavit of Assistant Commissioner of Police, Industrial Area,
Ludhiana, filed in Court today is taken on record.

The present petition has been filed under Section 438 of the
Code of Criminal Procedure for grant of anticipatory bail to the petitioner in
FIR No.193 dated 08.12.2021 under Sections 457/380 IPC registered at
Police Station, Koom Kalan, Ludhiana.

It has been submitted by the learned counsel for the petitioner
that the petitioner was granted interim bail by this Court on 03.02.2022 and
in pursuance thereof, he has joined the investigation and is fully cooperating
with the investigation process and therefore, the aforesaid order dated
03.02.2022 may be confirmed.

On the other hand, learned counsel for the State submitted that
it is correct that the petitioner has joined the investigation and an affidavit
has also been placed on record in this regard. He has submitted that the

recovery of the stolen items is yet to be effected, therefore, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

It is a case where allegations against the petitioner are that he had committed theft in the factory premises and subject matter of theft as per learned counsel for the parties is Rs.3 lacs including cash of Rs.25,000/-. The petitioner was working as an employee in the factory. It was the case of the petitioner that the CCTV footage, if any, showed muffled face and in fact the dispute was between the employer and employee and that was the motive for lodging the present FIR. During the course of arguments, learned counsel for the petitioner has submitted that the entire allegations against the petitioner are based on suspicion and the statements, if any, recorded by the police were that of the co-employees of the factory and therefore cannot go against the petitioner. The argument raised by the learned counsel for the petitioner does carry weight. The argument raised by learned counsel for the State that recovery of stolen items is yet to be effected is not sustainable. Further anticipatory bail cannot be denied when the allegations of theft are alleged only on the basis of suspicion.

After hearing the learned counsel for the parties and considering the facts and circumstances of the present case, this Court is of the considered view that the present petition deserves to be allowed. Consequently, the present petition is allowed and the order dated 03.02.2022 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

18.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO