

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

CRM-M-26722-2022

Date of Decision: 25th July, 2022

Abhimanyu Mahajan

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. N.S. Mahal, Advocate for the petitioner.
Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking anticipatory bail in case FIR No. 7, dated 30th January, 2022, under Sections 457, 380 and 411 of Indian Penal Code, 1860, registered at Police Station Begowal, District Kapurthala, Punjab.

2. The FIR was registered at the instance of Munish Kumar Sharma. As per the allegations, on 27th January, 2022, the complainant was not present at his house. On 28th January, 2022, neighbours called him and informed that locks of his house were broken and articles were lying scattered. On checking, complainant found that gold articles were stolen from the house. It was stated that details of the articles would be given after having details from the mother and the wife.

3. Learned counsel for the petitioner submits that petitioner was not named in the FIR. He was nominated on the basis of disclosure statement. He further submits that there is three days delay in lodging the FIR.

4. Learned State counsel opposes the prayer and relies upon the pleadings of the reply filed. He submits that petitioner was specifically named by the co-accused. He is running jewellery shop and had purchased the stolen gold articles at the rate of 20,000/- per ten gram. He further submits that custody of the petitioner is required.

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

6. The allegations against petitioner are serious in nature. Co-accused disclosed that the petitioner purchased the gold articles at the rate of Rs. 20,000/- per ten gram i.e. much less the prevalent market price. *Prima facie* the rate of purchase of gold shows petitioner was aware that articles were stolen. Delay in lodging the FIR will be subject matter of the trial.

7. The deeper probe is required to unearth the *modus operandi* adopted and recovery of the stolen articles purchased is to be made.

8. No case is made out for grant of anticipatory bail.

9. The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

25th July, 2022
Parveen Sharma

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