

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

CRM-M-26781-2022

Date of Decision: 21st July, 2022

Sandeep Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a petition seeking anticipatory bail in case of FIR No. 271 dated 6.11.2021 under Sections 457, 380, 411, 34 IPC, 1860 registered at P.S. Maqboolpura, District Amritsar.

Short reply dated 21.7.2022 by way of affidavit of Gurinderbir Singh, PPS, Assitant Commissioner of Police (Headquarters) Amritsar City, filed by the learned State Counsel is taken on record. Copy supplied to the learned counsel for the petitioner.

The FIR was registered on the statement of Rajinder Singh. As per the allegations, on 1.11.2021, the complainant along with his family had gone to attend a family function. On returning back on 5.11.2021, they found the lock of the main door of the house lying broken and household articles lying scattered. Later, it was found that one mobile, one gold bangle (kara) and Rs.25000/- were stolen by the unknown persons. On a supplementary statement made on 10.11.2021, the complainant stated that gold ear-rings, two gold rings, two nose rings, a pair of silver anklets, a

brown lohi, a hair dryer and a government smart phone was also stolen.

Sukhraj Singh was apprehended using the stolen mobile phone and it was recovered during his personal search. He made a disclosure statement that he along with elder brother Jugraj Singh @ Dhagga, Jobandeep Singh @ Joban and the petitioner had entered the house of Rajinder Singh and had stolen gold ornaments and a Samsung mobile phone. He further disclosed that the other co-accused knew about the possession of the stolen articles and the cash. On 28.1.2022, Jugraj Singh @ Dhagga, Jobandeep Singh @ Joban were arrested. They disclosed that the Samsung mobile phone was given to Sukhraj Singh, stolen money was distributed among all of them and the stolen gold ornaments were sold by the petitioner. On 28.1.2022, Jugraj Singh @ Dhagga, Jobandeep Singh @ Joban got recovered stolen gold ring, gold earrings and gold nose rings kept in a trunk in their houses.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He further submits that as per the disclosure statement, gold ornaments were sold but subsequently, these were recovered from the house of the co-accused.

Learned State Counsel opposes the prayer and submits that the petitioner was specifically named in the disclosure statement. The petitioner has got the share of the stolen articles and the recovery of the remaining stolen articles is yet to be made.

The lead in the theft case was the use of stolen mobile. The evidentiary value of the disclosure statement would be subject matter of the trial. The allegations against the petitioner are serious in nature, he was an active participant in the theft, had got share in the stolen articles, though

some of the articles have been recovered from the co-accused yet remaining recovery is to be made.

It is a case where a deeper probe is required to unearth the *modus operandi* and to recover the stolen articles. No case is made out for grant of anticipatory bail.

Petition is dismissed.

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

[AVNEESH JHINGAN]
JUDGE

21st July, 2022
anuradha

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