

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

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**CRM-M No.27062 of 2022
Date of Decision: 01.08.2022**

Anil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.56 dated 13.05.2022 registered at Police Station City Division No.3, Jalandhar, under Sections 381 & 457 IPC, the petitioner has preferred this petition to seek the relief of pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that the petitioner had been working in his (complainant's) shop for the last 14 years and he had got the duplicate keys of the lock of the shop prepared and he used to open the lock of the shop and to take away some items from there on his two wheeler and on checking the stock, he (complainant) came to know that the petitioner had caused a loss of Rs.10-12 lac to him by doing so.

3. Status-report filed on behalf of the respondent-State, by way

of the affidavit of the Assistant Commissioner of Police (North), Jalandhar, along-with Annexures R-1/T to R-3/T and R-4 as well as R-5, is already available on the file and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that there is a delay of about one (01) month in lodging the FIR and moreover, the alleged confession of the petitioner had been procured by pressurizing him and in fact, the petitioner had expressed his desire to leave the job with the complainant and due to this reason, he had been got falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

5. Per-contra, learned State counsel argues that the petitioner has confessed his guilt vide his statement Annexure R-4 and his custodial interrogation would be required to get the stolen items recovered and therefore, this petition be dismissed.

6. As regards the afore-raised contentions regarding the delay in lodging the FIR and the alleged confessional statement having been made by the petitioner under duress and also qua the present case being a counter-blast to the intention of the petitioner to leave the job with the complainant, all these contentions can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record

during the course of the trial and the same cannot be considered and ascertained at the stage of deciding this bail petition. Moreover, the recovery of the stolen articles is yet to be effected and therefore, the possibility of the requirement of the custodial interrogation of the petitioner for the said purpose, cannot be ruled out.

7. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed.

01.08.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*