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

CRM-M-29747-2022

Date of decision : 14.07.2022

Harveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Labh Singh Sandhu, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.130 dated 05.06.2022 registered under Sections 457, 380, 427 of the Indian Penal Code, 1860 at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is a student and he has been falsely implicated due to personal enmity and partifaction in the village.

This Court has heard the learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that the present FIR has been registered on the statement of Maneetpal Singh, who had

specifically named the present petitioner alongwith other accused persons to be the persons who had stolen 270 pigeons, 180 feet cable wire for motor and one mobile phone of make Samsung 7.

A perusal of the order dated 05.07.2022 rejecting the concession of anticipatory bail to the petitioner would show that Harwinder Singh @ Jatt and Sukhchain Singh @ Chani who are the other two co-accused, mentioned alongwith the present petitioner, were arrested and from them, 50 pigeons, which have been identified by the complainant, had been recovered. The said Harwinder Singh @ Jatt and Sukhchain Singh @ Chani, as noted in the said order, have disclosed that the criminal act in question had been committed in connivance with all the persons including the present petitioner and that the car of the present petitioner was used in the commission of the offence. The fact that the two persons, who have been specifically named in the FIR, have been arrested and from whom, 50 pigeons have been recovered, prima facie, shows that the FIR has been registered on a correct factual premise. The petitioner has also been specifically named in the FIR. The fact that the car of the petitioner has been used in the commission of the offence, has not been controverted in the petition. Moreover, no averments have been made with respect to there being any mala fide motive on the part of the complainant or on the part of the co-accused persons namely Harwinder Singh @ Jatt and Sukhchain Singh @ Chani while naming the present petitioner. The recovery of the remaining 220 pigeons, cable wires and mobile phone are yet to be effected and thus, the custodial interrogation

of the petitioner is required for the same.

Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

14.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No