

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38730-2021 (O&M)
Date of Decision:-16.3.2022

Dharminder Singh @ Gunna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Bokolia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.226 dated 11.10.2019 at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana under Sections 457, 380 IPC, wherein offences under Sections 411 and 473 IPC were added later on.
2. At the time of issuance of notice of motion on 17.9.2021, the following order was passed :

“The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.226 dated 11.10.2019 at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana under Sections 457, 380 of Indian Penal Code, wherein offences under Sections 411 and 473 IPC were added later on.

The FIR was lodged at the instance of Manu Aggarwal, wherein it is alleged that he had stored various articles at his shop including pipes and other fitting material. He had noticed some shortages in the goods stored in his godown. Upon checking CCTV footage it came to his notice that on the night of 29.9.2019 a youth, who had his face covered with a handkerchief, was taking out a bundle of pipes, which he was carrying on his shoulder. However, the handkerchief with which he had covered his face, fell down and he identified him to be his former servant Mohd. Dilshan. It has further been alleged that wife of another servant of the complainant informed that Mohd. Dilshan alongwith Davinder Singh @ Tholu and Dharminder Singh @ Gunna used to take keys from her on the pretext that they had to take out some goods as some plumbing work was going on at the house of the complainant. The complainant has alleged that infact no such work was ever going on at his house and that the said 3 persons had stolen goods from his godown.

Learned counsel for the petitioner has submitted that even as per the CCTV footage, the complainant has himself stated that he had seen only one person namely Mohd. Dilshan taking out the pipes from his godown and that the petitioner has been implicated on the basis of hearsay evidence, which can hardly be said to be credible.

Notice of motion for 16.3.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from SI Balbir Singh, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation and is not wanted in any other case.
4. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already

joined investigation and is not required for any custodial interrogation, the present petition is accepted and the interim directions issued by this Court vide order dated 17.9.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.3.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No