

CRM-M-50796-2021 (O&M)

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

**CRM-M-50796-2021 (O&M).
Decided on: February 17, 2022.**

Amandeep Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Kamal Narula, Advocate,
for the petitioner.**

Ms.Rukhsaar Dhindsa, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.97 dated 9.10.2021, under Sections 457/380 IPC, registered at Police Station City Lakho Ke Behram, District Ferozepur.

As per the allegations contained in the FIR lodged on the basis of statement of one Raj Singh son of Pritam Singh, (Sarpanch of the

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village), there is one Dargah (Temple) outside the village of Baba Kale Meher Sandhu and the Sandhu community has faith in that and they pay their obeisance. There is one room constructed and that temple is inside the room and while entering room there is one locker where people pay obeisance and donate money as per their own wish. The temple is taken care of by the Panchayat of the village. There is one CCTV camera installed inside the room. On dated 03.10.2021, at about 12.00 AM in the night, some unknown persons entered into the room after breaking the lock and committed theft of an amount of Rs. 40-50 thousands from the locker, which can be seen in the CCTV camera footage as well. There were four persons who committed theft and out of which they have identified two persons and have full confidence that one person is Vicky and another person is Deepu (**petitioner**) and there were two more unknown persons.

Notice of motion was issued by this Court on 11.1.2022 and the State was directed to file affidavit and thereafter, affidavit has been filed by the State.

Learned counsel for the petitioner has submitted that the petitioner is not involved in the present case and has been falsely implicated particularly in view of the fact that there is a photograph to show that the petitioner was present in the Dargah during day time and had he committed theft in the midnight, he would have never been at that place which is highly improbable.

On the other hand, learned State counsel while referring

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to the affidavit filed by the State has submitted that the argument raised by the learned counsel for the petitioner is totally unsustainable. She submitted that in fact CCTV camera was working in the room where the theft has been committed and the complainant and other villagers have identified the petitioner along with co-accused namely Vicky and once the petitioner has been identified, the argument raised by the learned counsel for the petitioner that even during day time, the petitioner was present would be of no significance. She further submitted that specific allegations have been levelled against the petitioner in the FIR and during investigation, it has also been found that the petitioner has committed the theft at Samadh which is a religious place and therefore, the petitioner has committed a very serious offence.

I have heard the learned counsel for the parties.

The petitioner has been specifically named in the FIR and the allegations were that he along with three more persons had committed theft at Samadh which is stated to be a religious place and the incident has been caught in the CCTV camera installed in the room and thereafter, the complainant who is Sarpanch of the village and other persons have identified the petitioner in the CCTV camera footage.

Considering the aforesaid factual position, this Court does not deem it fit and proper to grant the concession of anticipatory bail to the petitioner. Consequently, the present petition being devoid of any merits is, hereby, dismissed.

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However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 17, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No