

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1451-2023
Date of Decision: 12.01.2023

Balwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Rishu Mahajan, Advocate for the petitioner
Mr.Arun Luthra, Deputy Advocate General, Punjab

Deepak Sibal, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.465 dated 09.12.2022 registered under Sections 380, 411 IPC at Police Station Goindwal Sahib, District Tarn Taran.

Surinder Singh, who is the owner of M/s Satgur Spinning and Weaving Mill, Goindwal Sahib, filed a complaint with the police that between 19.09.2022 and 03.11.2022 he had gone abroad and when he came back, enquiries made by him revealed that during his absence spare parts of the machinery of the mill worth Rs.8 lakhs (approximately) had been stolen by co-accused Ajit Singh and had been sold to scrap dealers namely co-accused Swaran Singh and the petitioner. On the basis of Surinder Singh's complaint the FIR in question was lodged and co-accused Ajit Singh was arrested. His interrogation corroborated the story set out by Surinder Singh

with regard to his selling of stolen spare parts to the petitioner and co-accused Swaran Singh. It is in these circumstances that the petitioner apprehended his arrest and sought anticipatory bail from the Sessions Court at Tarn Taran on the denial of which he has approached this Court through the instant petition for the same relief.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case; he has no other criminal antecedents; no recovery of any allegedly stolen material has been made from the petitioner; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, there is only a disclosure statement of a co-accused which implicates the petitioner which has no evidentiary value; there is an unexplained delay of one month in the lodging of the FIR and that qua the petitioner only Section 411 IPC would be attracted which is a bailable offence.

Learned State counsel submitted that while the complainant was abroad co-accused Ajit Singh, in conspiracy with the petitioner and Swaran Singh, stole spare parts of Surinder Singh's mill worth Rs.8 lakhs (approximately); the stolen spare parts are yet to be recovered; the petitioner has not only been specifically named in Ajit Singh's disclosure statement but also in the FIR lodged by the complainant; the petitioner is a scrap dealer but what he purchased from Ajit Singh was not scrap showing that the petitioner was part of the conspiracy to commit theft and that the modus operandi adopted by the petitioner and his co-accused in committing theft and disposal of the stolen goods is yet to be deciphered.

Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

The allegations against the petitioner and his co-accused are of theft and disposal of stolen spare parts of machinery of a mill. The exact role of the petitioner is yet to be investigated. The stolen goods are to be recovered. The petitioner is a scrap dealer but as to why he purchased spare parts which would not be scrap and that too worth lakhs of rupees from one person is also required to be gone into. The chain in the disposal of stolen goods also needs to be traced out.

In the light of the above this Court is of the opinion that the petitioner's custodial interrogation is necessary.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

12.01.2023
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No