

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

CRM-M-2054 of 2023

Date of Decision: April 20, 2023

Balhar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagdish Singh Mahal, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Rajiv Sharma, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

By way of the present petition filed under Section 438 Cr.P.C, petitioner prays for grant of anticipatory bail in case FIR No.0101 dated 14.07.2022 registered under Section 380 IPC at Police Station Chattiwind, District Amritsar.

2. Status report by way of affidavit of Shri Gurmeet Singh, Deputy Superintendent of Police, Headquarters, Amritsar Rural on behalf of the respondent-State has been filed. Para No.4 of the said status report reads as under:-

“That it is submitted that though the present petitioner Balhar Singh has joined the investigation, but the present petitioner Balhar Singh did not cooperate with the Investigating Officer as the present petitioner Balhar Singh has not got effected recovery of the stolen structure and other valuable items of Poly House, which was constructed on his land by the complainant. The petitioner has claimed that the articles of the

Poly House, which had come to his share, were sold to unknown junk dealers coming to his locality on and off and the amount received from the same, was spent by him. Remaining articles of the Poly House are in possession of the other co-accused persons.”

3. Learned State Counsel as well as counsel for the complainant submits that since no recovery has been got effected from the petitioner, so he is not entitled for anticipatory bail. However, the status report as reproduced above, reveal that as per petitioner, he had sold the articles of the Poly House to some unknown junk dealers and money was spent by him. The said allegation is refuted by counsel for the petitioner by submitting that no such statement was ever made by the petitioner. Anyhow, it is a matter of trial. Petitioner has already joined the investigation.

4. Considering all the facts and circumstances, order dated 02.02.2023 is hereby made absolute.

5. Disposed of.

6. However, petitioner shall continue to join the investigation as and when required by the Investigation Officer.1

April 20, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No