

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

CRM-M-30647-2022
Date of Decision:-**09.02.2023**

MUKESH KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.30 dated 7.5.2022 registered under Section 381 IPC at Police Station City-II Abohar District Fazilka.

As per the allegations recorded in the FIR co-accused Sukhwinder Singh, who was working as a servant and one Nand Kishore @ Nandu, both of whom are named in the FIR, committed theft of jewelry from the house of the complainant, during investigation, both of them were arrested by the police and some of the stolen articles were recovered from

their possession. There are allegations that the complainant named the petitioner in his supplementary statement.

The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case on the basis of alleged supplementary statement made by the complainant and relevance of the same will be tested during trial. The counsel for the petitioner further submits that the petitioner who is having no criminal history has joined investigation with the police by virtue of previous order of interim bail passed by this Court.

State counsel on instructions from ASI Manjit Singh has not disputed the fact that the petitioner was not named in the FIR and his name surfaced during supplementary statement of complainant. The State counsel has also not disputed the fact that the petitioner is having no criminal history. The State counsel has not disputed the fact that there is no CCTV footage available on the record in order to *prima facie* establish the involvement of the present petitioner in the present case.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 18.7.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

09.02.2023
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No