

219-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 54666 of 2023

Decided on: 15.11.2023

BALJIT SINGH @ BALJEET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Divya Godara, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Ranbir Singh Sekhon, Advocate for the complainant.

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SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
0164	22.09.2023	380, 420 IPC	Makhu District Ferozepur.

2. In nutshell the case putforth by the prosecution is that complainant Balkar Singh’s son Amarjit Singh was married to Sukhjit Kaur daughter of Chamkaur Singh who was residing in the complainant’s house from where some cash had been stolen, but he did not report. On 04.07.2023, at about 7 PM, Sukhjit Kaur picked wallet of the complainant

and did not return. When complainant went to State Bank of India for withdrawal of money he found no balance in the account and on inquiry it was informed that amount was withdrawn through ATM from his account. On 05.07.2023 Sukhjit Kaur went to her parental house and on 11.09.2023 she returned alongwith three persons and entered the house of the complainant and took ₹1,20,000/- alongwith gold ornaments from the house of the complainant and on investigation complainant found that his daughter-in-law had relationship with one Baljit Singh and in connivance with Baljit Singh, money from complainant's account had been withdrawn and hence the FIR was registered.

3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is alleged to have entered the ATM of the Bank for withdrawal of money which does not in any manner connect petitioner with the use of ATM of the complainant. He submits that petitioner is ready to join the investigation and prays for grant of concession of bail.

4. Learned State counsel assisted has filed the report submitted by way of affidavit dated 15.11.2023 of Deputy Superintendent of Police (Sub Division) Zira, the same is taken on record, copy thereof has been supplied to the counsel opposite.

5. Learned counsel for the State assisted by learned counsel for the complainant submit that during the investigation, it was found that petitioner and co-accused Sukhjit Kaur were constantly in touch with each other and the same fact has been verified from their call details. Co-accused Sukhjit Kaur knew the password of the ATM of the complainant and provided the

same to the petitioner and by checking the CCTV footage, it is clear that petitioner used the ATM of the complainant and withdrawn the money. He submits that the petitioner played a specific role in crime, as recorded in CCTV footage also; as such his custodial interrogation is required and hence prays for dismissal of the present petition.

6. After considering the respective arguments and perusing the record, it transpires that the present FIR was lodged by the complainant claiming that his daughter-in-law Sukhjit Kaur had taken away his ATM Card, money and gold ornaments and withdrawn money. There is specific CCTV footage with the police showing petitioner to be at ATM at the relevant time when the withdrawal was there using the said ATM Card of the complainant. Besides, there being mobile calls exchanged between the petitioner and co-accused Sukhjit Kaur during the said period.

7. Therefore, considering the nature and gravity of offence, I am of the view that the petitioner does not deserve concession of anticipatory bail at this stage and as a consequent the bail application is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No