

4. Contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Bunt Rajput and no notice under Section 41 Cr.P.C had been given; thus, the petitioner deserves concession of pre-arrest bail.

5. *Per contra*, learned State counsel, while making reference to aforesaid reply, submits that apart from FIR No.85 dated 29.04.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mahilpur, District Hoshiarpur, petitioner is also involved in FIR No.65 dated 04.04.2023, under Section 457, Section 380 read with Section 511, Section 427 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Mahilpur, District Hoshiarpur. Also submits that complicity of the petitioner is well apparent; therefore, petitioner does not deserve concession of pre-arrest bail; rather custodial interrogation of the petitioner is necessary to unearth true facts of the case.

6. Heard learned counsel for the parties and perused the paper-book.

7. Of course, petitioner was not named in the FIR, but co-accused Bunt Rajput has specifically named the petitioner regarding stealing of Rs.16,600/- from the ATM. Since, theft on the ATM is a serious matter and is increasing day by day now-a-days; thus, custodial interrogation would be very much necessary to know the *modus operandi* adopted by the petitioner along with other co-accused.

8. As a result thereof, this Court is not inclined to accept the prayer of petitioner and the same is dismissed.

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9. Ordered accordingly.
10. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

16.01.2024
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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