

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

**CRM-M No.5806 of 2024 (O&M)
Date of Decision: 20.03.2024**

Mohd. Atar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Arshad Ali, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.167 dated 15.12.2023, under Sections 458, 380 & 411 (added later on) of the Indian Penal Code, 1860, registered at Police Station Meharban, District Ludhiana.

(2) Above FIR was registered on the basis of statement made by complainant-Arvind Sharma with the allegations that co-accused of the petitioner forcibly entered into his factory during night time and stolen clothes, yarn and other valuable material. During the course of investigation, petitioner was nominated in this case on 29.12.2023 with the allegation that he purchased the stolen clothes from co-accused Haider Ali and Saleem Baggar.

(3) Learned Counsel for the petitioner contends that he has been falsely implicated in the present case in view of the fact that initially, he was not named in the FIR; rather nominated on the basis of disclosure, made by co-accused. Also contends that petitioner is ready to join the investigation; but he be protected.

(4) *Per contra*, learned State Counsel on instructions from HC Gurmeet opposed the bail while submitting that the stolen articles i.e. more than 100 rolls of clothes are yet to be recovered from the petitioner.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) There is specific allegation that alleged rolls were purchased by the petitioner knowing-fully well that these are stolen property. Therefore, in the opinion of this Court, custodial interrogation of the petitioner is very much required for a thorough investigation and to find out the true facts.

(7) In view of the above, there is no option except to dismiss the petition.

(8) Ordered accordingly.

(9) The above observations may not be construed as an expression of opinion on merits of the case.

(10) Pending application(s), if any, shall also stand disposed off.

20th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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