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

CRM-M-6416-2023

Date of decision: 24.01.2024

Ajay Anand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ribhav Singla, Advocate for the petitioner.

Mr. J.S. Bhandari, AAG, Punjab.

Mr. Prashant Puri, Advocate and
Mr. Prateek Gupta, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.209 dated 29.10.2022 under Sections 408, 381 and 120-B of IPC, Police Station Phase-1, District S.A.S. Nagar.

2. The case of prosecution is that the petitioner was working as a Senior Tool Room Manager cum new product developer in M/s Malke Private Limited. On 28.08.2022 co-accused Harsimran Singh who was working as a Die-fitter in aforesaid firm took away 20 dies and 20 iron blocks from the factory in vehicle number CH01-TB-0572 without permission of complainant Sarabjit Singh, Plant Head Manager. There are

allegations that Security Guard Kapil Arora stopped the said vehicle at the main entrance and then co-accused Harsimran Singh asked the security guard to talk with petitioner on phone and the petitioner gave permission to the security guard to allow the said vehicle to leave the premises. That on 30.08.2022 co-accused Harsimran Singh returned 40 iron blocks but they were not belonging to the complainant. During investigation co-accused Harsimran Singh was arrested and he disclosed to the police that the said articles were sold to scrap dealer and the amount was distributed by both the accused.

3. The petitioner was granted interim bail by this Court vide order dated 07.02.2023 with direction to join the investigation.

4. The counsel for the petitioner submits that by virtue of the aforesaid order of interim bail, the petitioner joined the investigation with the police.

5. The State counsel on instructions from ASI Sohan Lal has not refuted the aforesaid assertions made by counsel for the petitioner and further submits that the petitioner is not required by the police for any further investigation or custodial interrogation.

6. The present petition is resisted by the counsel for the complainant who submits that value of the stolen articles was Rs.96,800/- and that the police failed effect any recovery from the petitioner.

7. The petitioner is a qualified engineer and has joined the investigation with the police and as per State counsel, now the petitioner is not required by the police for the purpose of further investigation or custodial interrogation. The counsel for the petitioner submits that the

petitioner has been falsely implicated in the present case and he has cooperated with the police and that in order to show his *bonafide* the petitioner is ready to deposit certain amount with the Court concerned without prejudice to his rights to defend the case.

8. For the foregoing reasons, without expressing any opinion on the merits of the case, the present petition is allowed and the order of interim bail dated 07.02.2023 is hereby made absolute subject to deposit of Rs.30,000/- by the petitioner in the Court of Illaqa Magistrate concerned within next 3 weeks and the said deposit will be subject to final decision of the case and will not prejudice the rights of the petitioner in any manner. The petitioner is to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

24.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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