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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.13939-2024
Date of Decision:-24.04.2024

MANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

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
detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0188	06.12.2023	380, 457, 411 IPC	Division No.2, Police Commissionerate Ludhiana

2. Brief facts of the case are that the present FIR was registered on
the statement of Shubam Verma stating that he is working as Help Desk
Operator at Punjab Seva Kendra near Old Civil Hospital and on 29.11.2023
he opened the office at 9:00 am and found that 16 UPS Batteries and one
Generator Battery were missing and after checking the CCTV cameras, it

was found that unknown person entered in the Seva Kendra in night and took away UPS and Generator batteries. On inquiry done by the complainant himself it was found that Vipin Tara has committed the theft, as such FIR was lodged. Accused Vipin Tara was arrested and he made a disclosure statement that on the same night that all the stolen batteries were sold by him to the present petitioner.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but was later nominated on the disclosure statement made by one Vipin Tara. He submits that petitioner is also implicated in 3 more cases on the basis of disclosure statement in different police stations on the same day i.e. 06.12.2023. He contends that petitioner is ready to join the investigation, as such counsel prays for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel has assailed these arguments by referring to the reply dated 10.04.2024 and argued that petitioner was arrested on the disclosure statement made by co-accused Vipin Tara under Section 27 of the Evidence Act, that the aforesaid 16 batteries were sold by him on the same night to the present petitioner for ₹18,000/-. He submits that petitioner is a habitual offender and is involved in number of criminal cases. He contends that stolen batteries are yet to be recovered, and custodial interrogation of the petitioner is required, as such, considering the nature and gravity of offence, petitioner does not deserve the concession of Anticipatory Bail. Hence prayed for dismissal of the present petition.

5. After hearing the respective submissions and perusing the record, it transpires that although the petitioner was not named in the FIR but it has come during investigation from the disclosure statement made by the co-accused that 16 UPS batteries were sold to the petitioner for ₹18,000/-. It is evident from the reply dated 10.04.2024 submitted by the State that the petitioner is having criminal antecedents and number of cases have been registered against him. Considering the nature and gravity of offence, and also the antecedents of the petitioner, his custodial interrogation is required for effecting the recovery of stolen property, therefore, in these circumstances no case is made out in favour of petitioner for grant of anticipatory bail, consequently, finding no merit in the petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

24.04.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No