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2024 PHHC 070613



CRM-M-24972-2024
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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 18.05.2024

(1) CRM-M-24972-2024

Varinder Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

(2) CRM-M-21825-2024

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Gaganbir Kaur Kahlon, Advocate,
for Mr. Vipin Mahajan, Advocate,
for the petitioner in CRM-M-24972-2024.

Mr. Saurabh Kanojia, Advocate,
for Mr. Gagandeep Singh Simble, Advocate,
for the petitioner in CRM-M-21825-2024.

Mr. Adesh Pal Singh, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Reply by way of an affidavit of Deputy Superintendent of
Police, Sub Division City Batala, Police District Batala on behalf of
State-respondent dated 18.05.2024 is filed in CRM-M-21825-2024.

The same is taken on record.

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3. Petitioners, in both the above two mentioned petitions, preferred under Section 438 Cr. PC, seek anticipatory bail to the petitioner in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
019	07.03.2024	381, 411 IPC (411 IPC added lateron)	City Batala, Police District Batala, District Gurdaspur, Punjab

4. Heard.

5. It is, *inter alia*, contended by learned counsel for the petitioners that both the petitioners are innocent and have been falsely implicated in the aforesaid cases. They contend that the petitioners are working as helper and driver with the complainant in his gas agency and have not committed any theft of gas cylinders, as alleged, but in fact the dispute is qua the payment of salary to the petitioners due to which the complainant got registered the FIR (*supra*) alleging false allegations. He contended that it is not believable that the complainant did not notice that 167 gas cylinders are missing from the godown. He further contends that upon periodical verification and why he kept cylinders for three months before lodging the FIR are the circumstances creating doubt regarding veracity of his version, as such, they pray for grant of anticipatory bail to the petitioners.

6. Per contra, learned State counsel, while referring to the reply (*supra*) has submitted that no doubt the petitioners were working in the gas agency as driver and helper but the fact remains that they

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along with some other employees had stolen 167 gas cylinders from the gas agency out of which 17 cylinders have been recovered from the co-accused, namely Mani son of Hakumat Rai whilst 12 cylinders have been recovered from a disclosed place hidden under the garbage at the instance of the disclosure statement made by the co-accused, namely Lovejot Singh @ Labhu @ Lovepreet. He submitted that custodial interrogation of the petitioners is required to recover the remaining cylinders. Hence, prays for dismissal of the instant petition.

7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Gurdeep Singh that he is running a gas agency for supplying the oxygen cylinders wherein he employed the present petitioners along with above Lovejot Singh (*supra*). Upon verification, he found that 167 oxygen cylinders were missing for the last 03 months, accordingly, the complaint was lodged and FIR was registered and subsequently, during the course of investigation 29 cylinders were recovered from the co-accused arrested in this case. So far as the contention of learned counsel for the petitioners is concerned there was a demand of salary of the petitioners leading to lodging of false FIR against the present petitioners and he could not point out any document whereby such demand was ever raised by the petitioners. It is worth mentioning that out of 167 cylinders stolen as per the FIR, 29 gas cylinders have since been recovered from the aforesaid co-accused, already arrested. In

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these circumstance, custodial interrogation of the petitioners is required for effecting the recovery of alleged cylinders. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioners for grant of anticipatory bail. As a consequence, both the aforesaid petitions are hereby dismissed.

8. Photocopy of this order be placed on the connected file of this case.

18.05.2024
preeti

(SANJIV BERRY)
JUDGE

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