

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-26223-2024
Date of decision : 28.05.2024

Prem Chand Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajinder Singh Sodhi, Advocate and
Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.9 dated 24.02.2024, registered for the offences punishable under Sections 457 and 380 of IPC, 1860 (Section 411 of IPC added later on) at Police Station Nurpur Bedi, District Rupnagar.
2. As per the contents of the FIR, it has been alleged as under:-

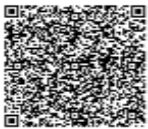
“Copy of statement, statement of Baljit Kumar son of Hari Ram, resident of Village Saskor, Police Station Nurpur Bedi, District Rupnagar, aged about 35 years, Mobile No. 7009903987. Stated that I am resident of above noted address and at around 2 years, I am running the shop of selling Batteries of Invertors, Cars, Commercial, Solar and Motorcycle etc. and R.O. at new Azampur Market near Sunrise

2024:PHHC:075951



Palace, Village Azampur. On 22.02.2024, as usually at around 8:30 PM, I locked my shop and went. Yesterday, on 23.02.2024, at about 8:00 AM, I received a phone from Ved Parkash son of Sarwan Ram resident of Village Asmaanpur, Police Station Nurpur Bedi who run a furniture shop at adjoining my shop. He informed to me telephonically that door my shop and your shop were broken and CCTV Cameras including DVR were also stolen from my shop and articles were also stolen from your shop so that, I along with my brother Sandeep Kumar reached at spot and saw that the shutter of my shop was broken from the center, when I entered in the shop, I noticed that the CCTV Cameras of my shop including DVR and batteries of about more than 100 Invertors, Cars, Commercial, Solars and Motorcycles were stolen from the backdoor of my shop by unknown persons. I will produce the bills of same as soon as before your goodself. I along with my brother, other shopkeepers were tried to traced out unknown persons but I could not trace about the unknown persons. I came to the police station along with Ved Parkash to inform about the incident, please take legal action against unknown persons. I have recorded my statement to you, read over and found to be correct. Sd/- Baljit Kumar, 7009903987, attested by Ved Parkash, 9915358479. Attested by Daljit Singh ASI Police Station Nurpur Bedi, Dated 24.02.2024. Police proceedings.”

3. Counsel for the petitioner submits that the allegation against the petitioner is of having purchased the stolen articles and would thus at the most constitute offence punishable under Section 411 of IPC for



to the petitioner.

4. There is neither any allegation nor any incriminating evidence to show that the petitioner was in knowledge that the articles are stolen. Thus, it is highly debatable that the offence punishable under Section 411 of the Code will not be made out.

5. Petitioner is behind bars for more than 01 month and 29 days.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

28.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No