



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M No.33507 of 2024
Date of decision: 10.09.2024

ROHIT KUMAR
STATE OF PUNJAB

Versus

.... Petitioner
.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rishav Jain, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 17, dated 25.03.2024, under Sections 457, 380 and 411 of IPC at Police Station Khanauri, District Sangrur.
2. Vide order dated 31.07.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 31.07.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.17 dated 25.3.2024 registered under Sections 457, 380 and 411 of IPC at Police Station Khanauri, Distt. Sangrur, on the basis of the statement got recorded by the complainant Ajay Sharma, who was working as priest of Kali Mata Mandir, Khanauri, Distt. Sangrur.

As per the complainant, in the intervening night of 24/25.3.2024, one gold nose ring, one silver chattar weighing 40



grams, silver anklets, two silver coins and cash amount of money of about Rs.41,000 which was lying in two cash boxes had been found stolen and on checking the CCTV cameras installed in the temple premises, it was seen that the theft was committed by the co-accused Sagar, Amrit Pal and Kapil.

After registration of FIR, investigation proceedings were initiated. The co-accused Sagar, Amritpal and Kapil had been arrested. They suffered disclosure statements about the complicity of the present petitioner in the crime on the basis of which, the petitioner has been nominated as an accused. Apprehending his arrest, he had moved an application for grant of anticipatory bail before the Court of Additional Sessions Judge, Sangrur which stands dismissed vide order dated 6.5.2024.

It is argued by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible as evidence. He was neither named in the FIR nor he was spotted in the CCTV cameras installed in the premises of the temple. He is ready to join the investigation

Learned State counsel seeks time to file status report in this case.

Adjourned to 10.9.2024.

In the meantime, the petitioner is directed to appear before the investigating/Arresting officer to join investigation within one week or as and when subsequently required thereafter. In the



event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 07.08.2024. No recovery has been effected from him and the same is yet to be recovered from him but his custodial interrogation is not required.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 31.07.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

10.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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