

MANOJ KUMAR AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Pooja Jaglan, Advocate, for the petitioners.
Mr. Ankit Grewal, DAG, Punjab.
Mr. Abhishek Sharma, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 27.08.2024 of Assistant Commissioner of Police North, Amritsar City, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Heard.
3. By way of the present petition filed under Section 438 of the Criminal Procedure Code the petitioners are praying for anticipatory bail in the event of arrest in FIR (Annexure P-2) detailed as under:-

FIR No.	Dated	Sections	Police Station
128	17.06.2024	379, 427, 34 IPC	Sadar, Amritsar

4. It is, *inter alia* contended by learned counsel for the petitioners



that the petitioners are innocent and have been falsely implicated in this case. She contends that in fact there had been ongoing litigation between the petitioners and the complainant due to which a false case has been foisted upon the petitioners. She contends that the petitioners happen to be employees of cable operating company and the complainant party running another cable company, was not allowing them to do so and a number of cases are registered against each other by both the parties and the police is bent upon to arrest the petitioners. Hence he prays for grant of anticipatory bail to the petitioners.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have assailed these arguments by submitting that the petitioners are involved in causing damage to the cable connections and had stolen 03 MJC of Netplus, 04 nodes and 04 boosters of Fastway cable belonging to the complainant besides cutting the cable wires. They contend that the petitioners were captured in the CCTV footages doing the illegal act and as such their custodial interrogation is required for recovery of articles. They further contend that as many as 3 more FIRs are also registered against the petitioners for similar offence and the video footages gathered by the investigating agency would show that the petitioners are indulging in cutting cable wires and also stealing other articles, hence they prayed for dismissal of the present petition.

6. After considering the arguments and perusing the record, it transpires that the instant FIR has been registered against the petitioners by name by the complainant alleging that they had cut the cable wires of the



complainant company and also stolen various apparatus used for cable communication. He has specifically mentioned that the petitioners have stolen 03 MJC of Netplus, 04 nodes and 04 boosters of Fastway cable from different areas. This has been captured in the CCTV's of the area and from the video footage annexed alongwith reply submitted by the complainant, the role of the petitioners is evident in the alleged offence. Besides the petitioners are also involved in three other FIRs of similar offence.

7. Therefore, considering the allegations and the fact that custodial interrogation of the petitioners is required for effecting recovery of the stolen articles, as a consequent, no case is made out for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

28.08.2024
Gyan

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