

222

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44814-2024

Date of Decision:-16.10.2024

SAJJAN

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Naveen Sharma, Advocate for
Mr. Munish Gulati, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 14.10.2024 of Deputy Superintendent of Police, (Rural) Ferozepur, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 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
81	03.08.2024	303(2) of BNS (317(2) of BNS added later on)	Kulgarhi District Ferozepur



3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was not named in the FIR nor has any concern with the allegations levelled in the FIR, hence prayed for grant of anticipatory bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner has actively participated in the crime alongwith co-accused. He submits that the instant FIR was registered on the basis of secret information that co-accused Prithvi @ Sajan @ Gangji and Pratham @ Patras were indulging in committing theft of motorcycles and further selling the same, both of them were arrested and during course of interrogation the role of petitioner had surfaced to have actively participated in the crime of theft and recovery of stolen articles is yet to be effected from the petitioner for which his custodial interrogation is required, hence prayed for dismissal of the petition.

6. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the secret information to the effect that one Prithvi @ Sajan @ Gangji and Pratham @ Patras were indulging in committing theft of motorcycles and further selling the same and accordingly they were arrested on 03.08.2024 and one motorcycle without number was recovered from them. During course of interrogation co-accused Prithvi @ Sajan @ Gangji disclosed that on intervening night

of 13-14 June, 2024 he along with petitioner had stolen gold articles from one Sammy wife of Mithu Ram, resident of Ferozepur and on the intervening night of 30-31 July, 2024 they again committed theft of ₹3,75,000/- from the house of one Sachin Kumar Handa and thereafter they had divided the bounty. Some of the stolen articles have been recovered by the police from the arrested accused and it is a case of the prosecution that some of the stolen articles are in possession of the present petitioner which are to be recovered for which custodial interrogation of the petitioner is required. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

16.10.2024

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