



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-50125-2024
Date of decision: 16.10.2024

Baljinder Singh @ Baljinder Singh Matharoo ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shashikant Gupta, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. Abhishek Sharma, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of BNSS 2023 for grant of anticipatory bail to the petitioner in case having FIR No.22 dated 04.02.2024, under Section 380 IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.

2. The allegations in nutshell are that FIR in this case was got lodged by Rajesh Rani mother in law of co-accused Harpreet Kaur regarding theft of jewellery and cash from her residence by some unknown persons during the period from 03.12.2023 to 06.12.2023, in her absence as she was taken to DMC hospital on 03.12.2023 and she came back on 06.12.2023 at about 6 PM after undergoing some surgery. On coming back to her house, the complainant came to know about aforesaid theft. The matter was reported to the police. During investigation, Harpreet Kaur was



arrested and petitioner was also nominated as an accused on the basis of call detail records and tower locations of the mobile phones of petitioner and Harpreet Kaur.

3. Apprehending his arrest, the petitioner has filed the present petition.

4. The State has filed short reply by way of an affidavit of Harjinder Singh, ACP, Ludhiana (South).

5. The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case wherein FIR was registered against unknown persons after delay of about two months of the alleged occurrence. It is further submitted that the petitioner was having some acquaintance with co-accused Harpreet Kaur. That however, there is nothing on the record to *prima facie* establish that the petitioner was involved in the alleged theft of cash and jewellery from the house of complainant. It is further submitted that petitioner is ready and willing to join the investigation with the police.

6. The present petition is resisted by the State counsel and the counsel for the complainant. The State counsel submits that no doubt, FIR in this case was registered against unknown persons, however, during investigation, it was revealed that Harpreet Kaur daughter in law of the complainant was behind the entire incident of theft. The police collected call detail records of the mobile phones of petitioner and Harpreet Kaur from which, it transpired that both of them were in regular touch at or about the time when the alleged occurrence had taken place. Harpreet Kaur was arrested and petitioner was also nominated as accused. The State counsel



further submits that petitioner is required by the police for proper investigation of the case.

7. The counsel appearing on behalf of the complainant submits that Harpreet Kaur was in close contact of the present petitioner and they were knowing each other even prior to marriage of Harpreet Kaur with son of the complainant. That petitioner is having criminal history being involved in one another case having FIR No.111 dated 19.05.2023, under Sections 420 and 120-B IPC.

8. I have considered the submissions made by counsel for the parties.

9. Undoubtedly, FIR in this case was registered against unknown persons who committed theft of cash and jewellery from house of the complainant. During investigation, police checked the call detail records of the mobile phones of the petitioner and Harpreet Kaur who were having close association. On scrutiny of the said records, the police zeroed down on both the petitioners and arrested co-accused Harpreet Kaur. The recovery of stolen articles is not effected till date. This Court is of the view that custodial interrogation of the petitioner is required for proper and effective investigation to unearth the truth.

10. For the foregoing reasons, the present petition is dismissed. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

16.10.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No