



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

232

CRM-M-54885-2024

Date of decision: 25.11.2024

Sukhdev Singh @ Ghosa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Sandeep Wadhawan, Advocate (through VC)
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.238 dated 29.08.2024 under Sections 331(4), 305, 317(2) (added lateron) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Civil Lines, Batala, Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR in question and has been named as an accused solely on the basis of the disclosure statement of a co-accused. It is submitted that no recovery has to be effected from the petitioner, and recovery, if any, already stands effected from the co-accused. Learned counsel argues that the allegations levelled against the petitioner are even otherwise baseless,



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motivated by ulterior motives, and prima facie false and frivolous.

3. Relying upon the judgment of Toofan Singh Vs. State of Tamil Nadu : 2021(1) RCR (Criminal) 1 wherein Hon'ble the Supreme Court held that a confessional statement made to the police by an accused is not tenable as evidence as it is a matter of trial, learned counsel submits that the petitioner's false implication in the present case based solely on such a disclosure statement does not, therefore, necessitate his custodial interrogation.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. It is argued that the allegations against the petitioner are of a serious nature, involving a theft committed in particularly grave manner. Learned State counsel on instructions submits that investigation is still underway, and the role of the petitioner, along with that of the other co-accused, is yet to be fully uncovered. Further, it is contended that the recovery of the remaining stolen cash and gold, which amounts to Rs.55 lakhs in cash, and 3120 grams of gold, necessitates the custodial interrogation of the petitioner to ensure a fair and thorough investigation.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. As per the allegations levelled in the FIR and the material collected during investigation, the petitioner along with three co-accused, conspired and committed a theft in the house of the complainant while she was away for *Rakhi* Festival. The theft involved



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a substantial amount of money in cash as well as a huge quantity of gold from the residence of the complainant.

7. As per the disclosure statement of co-accused, the petitioner was not only one of the four persons who trespassed into the house of the complainant on the fateful day and committed the crime in question but he is also alleged to be recipient of the stolen property.

8. Prima facie, the allegations levelled against the petitioner are grave. A perusal of the FIR which stands reproduced hereinunder indicates that it was a well-planned crime executed by all the accused, including the petitioner:-

"Statement of Shyamlata Agarwal W/o Keval Krishna Agarwal, resident of Kothi No. 60, Modern Estate, Batala, aged about 78 years, 90416-25200, stated that I am resident of abovementioned address and am an old woman and is living alone in my home. My other family members live at Bharat Engineering Works, GT Road, Batala Amritsar Road. I have one son namely Abhimanyu Agarwal and four daughters who are all married. On dated 15.08.2024, I went to Delhi with my family in relation to the Rakhi festival. On the date 27.08.2024, I told my factory worker namely Latif Ahmed S/o Wazir Ahmed, resident of Kahlwa, that since it was the rainy season, he should go check on the house. Latif Ahmed came to the house and saw that the locks were broken. He informed us by phone that the house locks were broken. Today on dated 28.08.2024 at about 06 PM, we came to our house and saw that the locks of the house were broken. When we checked, we found that the locks of the upstairs storeroom were broken, and some unknown person had stolen gold jewelry and cash. We are currently verifying what exact jewelry and cash were stolen and will inform you after verification. For now, we have intimated you. Action should be taken against the unknown persons and justice be delivered to us. My son namely Abhimanyu and I were coming to inform you and you met us. Action should be taken. Statement has been written and is correct. This theft occurred during the night between 15.08.2024 to 27.08.2024. Sd/- Shyamlata Aggarwal. Attested Sd/- Ashok Kumar SI Incharge Chownki Simbal Batala dated 28.08.2024"



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9. Given the nascent stage of the investigation, the custodial interrogation of the petitioner would be necessary to uncover the full extent of his involvement, ascertain the role of the other co-accused.

10. In the facts and circumstances as enumerated hereinabove and the allegations levelled in the FIR in question, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.11.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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