

220

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 55155-2024
Date of Decision:-18.11.2024

SUNNY

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sanjeev Sharma , Legal Aid Counsel, for the petitioner.
Mr. Iqbalpreet Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has submitted report by way of affidavit dated 17.11.2024 of Deputy Superintendent of Police (City) Moga, 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 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under :-

FIR No.	Dated	Sections	Police Station
34	07.05.2024	379-B, 427, 34 IPC, 25 and 27 of the Arms Act	Sadar Moga

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 petitioner was not named in the FIR and has no concern with the allegations levelled in the FIR nor he is involved in the alleged incident. He contends petitioner was nominated on the basis of disclosure statement of the co-accused Navdeep Singh @ Nav. He contends that although one more case is registered against the petitioner but he is on bail therein, hence he prays for grant of concession 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 along with co-accused were involved in the snatching of ₹60,000/- from the employees of the petrol pump of the complainant. After scuffling with the staff deployed at the petrol pump the name of the petitioner had surfaced in the supplementary statement of the complainant and his custodial interrogation is required to recover the stolen property and to unearth *modus operandi*.

6. After considering the arguments and perusing the record, it transpires that as per the case of the prosecution FIR registered on the statement of the complainant being the proprietor of the petrol pump, he received a telephonic message from his employee Sarvesh Shukla at 10:50 PM on 06.05.2024 that four persons with muffled faces came on two motorcycles to the petrol pump and after threatening the employees and having scuffled with them has snatched ₹60,000/- from the petrol pump and during the scuffle the cloth with which they had muffled their faces got

removed and that he can identify those persons. Subsequently, on the basis of supplementary statement the present petitioner was nominated. From the perusal of record it is evident that the recovery of stolen property is yet to be effected. Therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of the petitioner is required to unearth the *modus operandi*, 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

18.11.2024
Gyan

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