



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CRM-M-56526-2024

DATE OF DECISION: 13.11.2024

ARVINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Bawa, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail in FIR No. 0141 dated 23.11.2023 registered under Sections 457, 380 IPC, registered at P.S. Banur, District Patiala.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

'In reference to At this time one statement of Charanjit Singh son of Upjinder Singh, resident of Gajjukhera, Police Station Banur, District Patiala, age about 30 years, Mobile No. 8283041337 duly recorded by SI Ram Krishan Singh 2344 for the above mentioned offence through PHG Avtar Singh 18767 has been received at police Station the details of which is as under;-" Stated that I am the resident of above mentioned address and doing business of travel agent by processing visa, at sector-34, Chandigarh. On dated 20.11.2023, there was birthday of son of my brother in law Arvinder Singh son of Darshan



Singh, resident of Sunny Enclave, Kharar, District Mohali and party was orginsed at Raja Dhaba, Morinda Road. To attend party, I alongwith my wife Simpy, sister in law Rajwinder Kaur and our Children, left our house at 8:30 PM. At the time of leaving the house, my father Upjinder Singh who was sleeping in the house in dunked condition at our house. Who at about 11:30 PM called me and informed that he wake up to answer the nature call, to bathroom and then he saw that lock of door of your room as well as door of room of Jatinderpal Singh are broken and locker of Almirah lying in the roomare broken and bed are also shattered. Then on hearing this news I got scared and I came back to my resident in the night at village Gajjukhera alongwith my family and we saw that lock of door of my room as well as room of Jatinderpal Singh are broken and we found that Locks of Almirah and locker therein which were lying in side both the rooms are broken and gold and silver ornaments lying in the almirah and some cash lying in my almriah and passport of mine, my wife Simpy and my son Samarjit and some sale deeds and other documents and some documents belongs to different peoples which were kept in the Almirah. All the above articles were stolen and articles lying in the Almirah of my brother Jatinderpal Singh were stolen by some unknown person having knowledge about the same on 20.11.2023, the complete details of cash which have been stolen from the Almirah is not available with me. I can tell the same after checking my official record. I do not have any doubt of theft taken place on our house on anybody. I am trying to find the same on my own level. In case I could not find any clue about the theft then I will let you know. I tried to find out at my own level but could not find any clue about the same, so today I alongwith Sarpanch of My village namely Rohit Kumar son of Bhagwan Dass, coming to inform you at Police Station and you met us at the Gate of Anaaj Mandi, Police Station Road where I, in the presence of Sarpanch of our Village Rohit Kumar, handed



over typed copy of my statement to your goodself which has been heard and is correct. Action be taken’.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and he was named in the present FIR by way of supplementary statements as initially the FIR was lodged against some unknown persons. He submits that the present FIR is a result of some misunderstanding occurred between two brother-in-laws and there is unexplained delay of three days in lodging the FIR. He further submits that except the supplementary statement, there is no evidence with the prosecution to show the involvement of the petitioner in the alleged theft. He has argued that nothing is to be recovered from the petitioner, therefore, case for custodial interrogation is not made out.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that recovery of the ornaments and cash amount is yet to be recovered .

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the extent that the petitioner was initially not named in the instant FIR but was nominated in supplementary statement and except that there is no direct or indirect evidence with the prosecution to show the involvement of the petitioner in the alleged theft, hence, this Court

finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

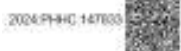
‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’



However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

13.11.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>