



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56710-2024
DECIDED ON: 14.11.2024

RANDHIR KARWAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Onkar Rai, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0091, dated 25.04.2024, under Section 379-B IPC, registered at Police Station City Phagwara, District Kapurthala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Rajesh Sayal son of Late Mr. Mahender Sayal, Resident of House No. 60-C, Model Town Phagwara, Police Station City. Phagwara, aged about 60 years, Mobile No. 94635-36878, Stated that I am a resident of abovesaid address and I am running an International Radio Trade Electronics Shop at Banga Road, Phagwara. Today on 25-04-24, I was going from Phagwara Bus Stand towards Urban Estate Phagwara

with his wife Sunita Sayal in his Activa bearing No. PB-09-P-3135, color white. When I, time would be at about 12:45 PM, I started to board the flyover near Phagwara courts, then two young men who were riding a motorcycle Pulsar came behind me and snatched away gold chain of 2-½ tola from the neck of my wife Sunita Sayal who was sitting behind me. We were very scared. Due to which, could not read number of Pulsar motor cycle. My wife Sunita Sayal raised the raula but two. young motorcyclists ran away from the spot. I searched for them a lot but the abovesaid two young motorcyclists were not found. Kindly searched the abovesaid two young motorcyclists and my gold chain may be returned me and strict legal action be taken against them. The statement heard and is correct. Sd/-Rajesh Sayal, Verified by Jatinderpal ASI, Police Station City Phagwara. Dated 25.04.24.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the instant FIR but was subsequently nominated as an accused only on the basis of disclosure statement of co-accused Harpreet Singh. He further contends as per the prosecution story, accused Harpreet Singh and Sukhvir Singh had sold the gold chain to the present petitioner. It has been asserted on behalf of the petitioner that he never purchased any gold chain from the alleged snatchers and is ready and willing to join the investigation and cooperate with the investigating officer. It has been contended that the petitioner is a man of clean antecedents as he is not involved in any other case.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of concession of anticipatory bail to the petitioner on the ground that co-accused Harpreet Singh and Sukhvir Singh has sold the stolen gold chain to the present petitioner.

4. Analysis

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Harpreet Singh and the fact that the petitioner has only purchased the gold chain and may be not aware of the fact that the same was a stolen article, therefore, at this stage, his custodial interrogation is not required at all, in addition to the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

14.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No