



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-871-2025  
DECIDED ON: 13.01.2025

JASWANT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Inder Pal Singh, Advocate  
for the petitioner.

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.229, dated 09.10.2024, under Sections 331(3), 305 of BNS, 2023, registered at Police Station Gharinda, District Amritsar.

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

*“To police post in charge, khasa, Amritsar from SSE 220 K.V.S/S khasa P.S.T. Corp.Ltd PSTCL memo No. 161 dated 24/09/2024 subject:-in contest of theft at 220 K.V.S.S khasa,PSTCL on dated 21/09/2024. In the above mentioned subject you are informed that on dated 21/09/2024 at about 6 PM to 6:15 PM at 220 K.V.S.S khasa, sh Jaswant Singh employee was caught red-handed alongwith stolen articles, while stealing capacitor bank of 66 KV copper links from 66 KV yard. The video*

*recording of stolen articles and written statement regarding the theft is annexed with as proof, employer ran away from the spot, and you are informed by way of this letter, such thefts was also committed by the employees from this power station, in this contest the employees also admitted verbally, so legal action be taken against the employee.”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner was working as a watchman in the power station and the allegation against the petitioner is that of stealing copper links from the said power station. He further contends that no concrete material or evidence has been put forth by the prosecution to connect the petitioner with the alleged offence. He would further assert that the petitioner was having some dispute with higher officials and on that account, implicate him in the present FIR on their behest. It has been further contended that there is an unexplained delay of 18 days in lodging the instant FIR as the incident took place on 21.09.2024 whereas the instant FIR has been registered on 09.10.2024.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Daljit Singh, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has stolen copper links from the power station for which he was deputed as watchman.

4. **Analysis**

Be that as it may, when countered by this Court qua CCTV footage, the official ASI Daljit Singh, present in Court could not support the stand of the prosecution as made in the instant FIR and therefore, having no iota of any cogent or incriminating material against the petitioner, and only a bald statement seems to have been alleged against the petitioner, as has been averred in the petition.

Having no reason to disbelieve the stand taken in the instant petition, it deserves to be allowed which has not been controverted by the State during the course of hearing before this Court while considering the concession of anticipatory bail.

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.

(SANDEEP MOUDGIL)  
JUDGE

13.01.2025  
Poonam Negi

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |