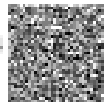


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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3140-2025  
DECIDED ON: 21.01.2025

VIJAY SAH ALIAS BIHARI

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jitender Singh Dadwal, Advocate and  
Ms. Kashish Mehta, 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.0217, dated 10.12.2024, under Sections 303(2), 3(5) and lateron added Section 317(2) of BNS 2023, registered at Police Station Focal Point, District Ludhiana.

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

*“Statement of Amit Gulati son of Sh. Jagmohan Gulati, Resident of House Number 3, Guru Angad dev Colony, Backside B.C.M School, Basant Avenue, P.S. Sadar, District Ludhiana. age approximately 39 years. Mobile Number 93567- 13130. Satted that I am a resident of above said address. And I am the brother of Brijeshwar Gulati who is owner of J.K Industries, Plot Number E-348 (A), Phase -6, Focal Point, Ludhiana and I am looking after*

*all the work in the factory. And our factory does iron job work: And we procure iron from different firms through transportation, and process the iron through job work, and then send it back to to them with the help of transportation. And on dated 04.12.2024 I send a Mahindra Pick Up bearing registration number PB10HY9932 driven by Gulab Chan son of Bhutai Rajbhar, Resident of Village Jalilpur, Sunpa District Baksar, Bihar, present resident of Durga Colony, Dhandari Khurd, Ludhiana alongwith helper Rahul Kumar son of Ganga Ram, Resident of Village Pursiva, District Rai Bareilly, U.P, presently residing at J.K Industries, Phase-6, Focal Point, Ludhiana, to collect material from the B.V.M Incorporate factory, Plot No. D-347, Focal Point, Ludhiana from where they loaded 4830 Kgs Hex Nut (Iron) onto the said factory and brought it to our factory. Where we performed the required job work. Subsequently, on 05.12.2024, the entire material 4830 Kgs of Hex Nut (Iron) was loaded back into the Mahindra Pick Up and send to B.V.M Incorporate factory through driver Gulab Chan and helper Rahul Kumar. From where time around 7 P.M after leaving the goods they came back to our factory, parked the vehicle and went to their house. Then after some time we got a call from the B.V.M Incorporate factory that our material Hex Nut (Iron) is 70 Kgs less. Upon conducted an internal investigation we discovered that on 05.12.2024 our driver Gulab Chan Kumar and helper Rahul Kumar stole approximately 70 Kgs of our material, Hex Nut (Iron) during transit and sold it to a scrap dealer Bihari Parsad son of Ram- Sunder Parsad, Resident of Durga Colony, Dhandari Khurd, Ludhiana. We have been searching for them on our own untill now but could not find any clue. Regarding this matter, we are coming to police station today to inform you but you met us here. We have recorded our statement, which has been duly noted. Appropriate legal action should be taken against Gulab Chan Kumar, Rahul Kumar and scrap dealer Bihar Parsad for the said incident. Sd/-”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, and that there is an unexplained delay of 5 days in lodging the FIR. He further submits that the petitioner has been named in this case based on the allegation that he purchased the 70 Kg stolen Hex Nut (Iron). It is contended on behalf of the petitioner that and in no

capacity as a scrap dealer and acting in good faith, he purchased the said Hex Nut (Iron) for a legitimate payment, without any knowledge that it was stolen property.

Notice of motion.

**On behalf of the State/complainant**

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition, though could not produce any incriminating material to connect the petitioner with alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner has been nominated in the present case only for being a scrap dealer, furthermore he is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. **Decision**

Hence, 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**

**21.01.2025**

*Meenu*

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