



**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12759-2025

Date of Decision:06.03.2025

AMJAD @ ANJU

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.A. Chaudhary, 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 of BNSS for grant of anticipatory bail to the petitioner in case FIR No. 137 dated 24.12.2024 under Section 303(2) BNS (Sections 317 (2), 238 BNS added later on) registered at Police Station Sadar Ahmedgarh, District Malerkotla.

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

Copy of statement:-statement of Avtar Singh S/o Jagan Nath R/o House no. 562 Poojh Di Haveli Near 786 chownk Malerkotla Police Station City-2 Malerkotla District Malerkotla aged about 54 years Mobile No. 98142-26545 stated that above said address. That I am resident running am of a I factory under the name of AS Fabrication and Erection Bus at Ludhiana Road Near Stand Gounspura. Here we prepare the iron sheds. According prepare to the demand of customer, we the iron sheds and also do their fitting. Iron plates used for the preparation of Sheds, were kept at factory in large quantity. After preparation of Shed, large quantity



of scrap is also produced, that was also kept in my factory. In my factory 10/12 workers do work. Since 22.12.2024 my workers were fitting the sheds at Develop Industry Khana Road, I was also there to look after their work. Today no worker was present in my factory. Today at about 10-30AM I came to factory, then I have seen that Mohd Nasar S/o Mohd Yasin R/o Pakka Darwaja Jamalpura Malerkotla, I already know him. As two months ago he had worked in my factory, along with Anju S/o Mina R/o Jamalpura and one unknown person to whom I can identify if he comes in front of me. These persons were stealing small plates from my factory and were putting the plates in to plastic bag. Upon seeing me they picked up the plastic bag with small plates and ran away by climbing the wall. I followed them, but being alone I couldn't catch them. When I checked my goods in the factory then iron plates about 11 quintals, 2 motors one is 7.5 HP an another is 2 HP and cutting scrap about 5/6 quintals have been found stolen till today. Today I along with Munish Jindal S/o Shri Raj Kumar Jindal R/o O/P Kali Mata Mandir Malerkotla was coming to inform you, then you along with Police Party met me at Bus Stand Kup Kalan. So Action be taken against Mohd Nasar S/o Mohd Yaseen R/o Pakka Darwaja Malerkotla along with Anju Jamalpura S/o Mina R/o Jamalpura and one unknown person. I made the statement Avtar to you, heard, correct. Correct Singh Statement maker Avtar Singh above, statement confirmed by Munish Jindal S/o Shri Raj Kumar Jindal R/o O/P Kali Mata Mandir Malerkotla SD Munish Jindal verified by Amrik Singh ASI Police Station Sadar Ahmedgarh Dated 24.12.2024 police Action:- Today dated 24.12.2024 I ASI along with ASI Gurmeet Singh 2437/Sang, PHG Mewa Singh 26620 along with private car were patrolling and making the search of suspicious persons and suspicious vehicles and were present at Bus Stand Kup Kalan. There Avtar Singh S/o Jagan Nath R/o house no. 562 Poojh Di Haveli near 786 Chownk Malerkotla Police Station City-2 Malerkotla District Malerkotla along with Munish Jindal S/o Shri Raj Kumar Jindal R/o O/P Kali Mata Mandir Malerkotla came to me ASI. Avtar Singh had made the above statement to me ASI. His statement is recorded word to word and after that read over to him. After believing statement true at the bottom he natures in



Punjabi. His Statement Is confirmed by Munish Jindal s/o Shri Raj Jindal R/o Kali Mata Mandir Malerkotla and verified by me ASI. From the statement offence U/s 303(2) BNS is made out. So, statement is being sent to Police Station by the hand of PHG Mewa Singh 26620 for registration of the FIR against the Mohd Nasar S/o Mohd Yaseen R/o Pakka Darwaja Jamalpura Malerkotla along with Anju S/o Mina R/o Jamalpura and one unknown person. After registration Incharge FIR control number room be informed. Malerkotla be informed. Special reports be issued. I ASI along with other officers and complainant Avtar Singh S/o Jagan Nath R/o house no. 562 Poojh Di Haveli near 786 Chownk Malerkotla Police Station City-2 Malerkotla District Malerkotla along with Munish Jindal S/o Shri Raj Kumar Jindal R/o O/P Kali Mata Mandir Malerkotla going for the investigation. Within Limit Bus Stand Kup Kalan time 9.45PM Correct Amrik Singh ASI Police Station Sadar Ahmedgarh dated 24.12.2024. Upon receiving of the statement above numbered FIR registered against the Mohd Nasar S/o Mohd Yaseen R/o Darwaja Pakka Jamalpura Malerkotla along with Anju S/o Mina R/o Jamalpura and one unknown person. Indraz got recorded. Incharge Control room Malerkotla being informed through Email. Special reports are being sent to the Ilaqa Magistrate and Senior Officers by the hand of Singh Surinder Constable 704/SBS. Original Statement along with copy of FIR is sent for the Investigating ASI Amrik Singh 2487/Sangrur by the hand of PHG Mewa Singh 26620.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as his friend was an employee in the factory of the complainant and he has been named as an accused as nothing is recovered from the petitioner. He further submits that the petitioner is ready to join the investigation.

On behalf of the State



Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, oppose the instant petition stating that petitioner and co-accused has stolen iron plates from the factory of the complainant.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as the petitioner is not the primary accused and no incriminating material has been put forth by the learned State counsel for custodial interrogation to a specific query put by the Court, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Relief**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason mentioned hereinabove that nothing has been put forth connecting the petitioner with the alleged occurrence. 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

06.03.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No