

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-57197-2024

Date of decision: 10th January, 2025

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

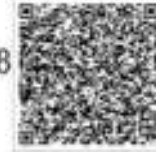
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Moudgil, Advocate for the petitioner.
Ms. Swati Batra, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner(s) in case FIR No. 195 dated 27.08.2024 registered under Sections 331(4) and 305/3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station City Sangrur, District Sangrur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Gurpreet Singh, Manager of Blue Dart Company alleging that on the intervening night of 26/27.08.2024, three unknown persons had entered in the office of the company when it was lying closed and had committed theft of an amount of Rs. 3,00,000/- kept therein. Investigation proceedings were initiated. On 05.09.2024, the complainant recorded a supplementary statement naming the co-accused Sunil Kumar and Ajay Kumar, as they were identified by him on checking



the CCTV camera installed in the neighbourhood. They were arrested and suffered disclosure statements admitting their involvement in the subject crime and also took the name of the present petitioner. The co-accused Sunil Kumar also got recovered a sum of Rs. 45,000/- out of the stolen amount. Apprehending his arrest, the petitioner moved an application for pre-arrest bail, which was dismissed by the learned Additional Sessions Judge, Sangrur vide order dated 22.10.2024.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has not been named in the FIR and has been falsely implicated in this case. He did not commit the subject offence. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. He is not identifiable from the CCTV footage of the camera installed in the neighbourhood of the place of the occurrence. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that there are serious allegations against the petitioner. He might not have been named in the FIR but has been named by the co-accused and is also seen in the CCTV footage of the camera. Recovery of stolen money is to be effected from him. His custodial interrogation is required for conducting thorough investigation in the matter. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Accordingly, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned



State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have committed theft of an amount of Rs. 3,00,000/- from the shop wherein the complainant worked as a Manager. He has been named by the co-accused. Learned State counsel has placed on record a pen drive containing CCTV footage of the camera installed outside the place of occurrence showing movement of three youths. Though, none is identifiable from the said CCTV footage. However, keeping in view the fact that three youths had committed the offence of theft from the premises of the complainant and one of them has named the petitioner as one of such persons, in my considered opinion that the custodial interrogation of the petitioner is must for conducting thorough investigation in the matter as well as for effecting recovery of the stolen property. Moreso, no extra ordinary or exceptional circumstances has been made out for the purpose of extending benefit of pre-arrest bail to the petitioner. Keeping in view the above said facts and circumstances of the case but without meaning to make any comment on the merits thereof, It is held that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |