



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

CRM-M-2361-2025

Decided on: 17.01.2025

Jai Pal

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Gaurav Arora, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.133 dated 18.10.2024, registered under Sections 331(4), 305, 317 of BNS, 2023, at Police Station Sadar Sangrur, District Sangrur.

2. Succinctly facts of the case are that FIR was lodged on the statement of complainant Simon Singh. It was alleged that on 17.10.2024, when he and his family members were sleeping in their house, then his mother Parminder Kaur woke up at 5:30 a.m. and saw articles in the house scattered. His mother screamed and they all woke up. On seeing the house, they found lockers of cupboards to be broken and jewellery was missing. On checking the CCTV cameras, they found two unknown person walking on the roof of their house. Request was made to take legal action to trace the accused persons and punish them. During the investigation, complicity of the petitioner alongwith co-accused Vinod Kumar and Shamsher Singh was found and thus, they were arrayed as accused. Apprehending arrest the petitioner approached the Court of learned Additional Sessions Judge,



Sangrur, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 24.12.2024. Hence, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner is named in the FIR nor he has attributed any overt act. It is submitted that the petitioner has been roped in the present case only on the basis of the presumptions and assumptions. It is submitted that as per the case of the prosecution, two unknown persons were seen in the CCTV cameras, however, there is no identification established by the prosecution. It is further submitted that there being no independent corroboration to the allegations levelled against the petitioner, so he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner was established alongwith co-accused Vinod Kumar and Shamsher Singh and some of the stolen jewellery was recovered. He thus, submits that the petitioner does not deserve the grant of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged occurrence had taken place in the intervening night of 17/18.10.2024. The complainant found the gates of house broken and lockers of the cupboards were also found broken. On checking, it was found that jewellery and various other items from the house were stolen. In the CCTV cameras, two unknown persons were found to be



walking on their roof. During investigation, complicity of the petitioner was *prima facie* established. From the co-accused Vinod Kumar and Shamsher Singh, part of the stolen jewellery was recovered. The investigation at threshold. The nature of the offence is serious.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-



“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie*



established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

17.01.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No

: Yes/No