



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

203

**CRM-M No.53431 of 2024
Date of decision: 08.01.2025**

JAGGA**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Sukhdeep Singh, Advocate for the petitioner.
Ms. Swati Batra, D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.71 dated 18.06.2022 registered under Sections 457 and 380 of IPC, at Police Station Ghanaur, District Patiala.
2. Vide order dated 05.11.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 05.11.2024, passed by this Court, reads as under:

“Prayer in this petition has been made for seeking grant of anticipatory bail in case bearing FIR No. 71 dated 18.06.2022 registered under Sections 457 and 380 of IPC at Police Station Ghanaur, District Patiala, on the basis of statement recorded by the complainant Varinder Singh that on the intervening night of 17/18.06.2022, he had visited his shop and found the shutter of the same to be opened. He saw one pickup vehicle being parked in front of the shop and also found that 3-4 persons were picking items from his shop and were loading the same in their vehicle. He identified three of them as the petitioner, co-accused Kako and Sumit who were street hawkers of his village. On seeing him, the petitioner and others fled



from the spot. On entering inside the shop, he found that cables, three single phase motors, two submersible motors and five pumps lying in his shop had been stolen. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The co-accused Kako was arrested and one motor and cables had been recovered from him. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Patiala which was dismissed vide order dated 22.11.2023.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant had not mentioned the make and registration number of the vehicle which was allegedly used at the time of occurrence. A false story as to his involvement in the subject crime had been concocted. He is ready to join the investigation. His custodial interrogation is no required. Therefore, it is urged that he deserves to be released on bail.

Notice of motion for 05.12.2024.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file reply.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”



3. Status report dated 02.01.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel has submitted that though the petitioner has joined the investigation on 12.11.2024, however he has not co-operated with the investigating agency and recovery of stolen articles has not been effected. Therefore, it is urged that custodial interrogation of the petitioner is required for the purpose of effecting recovery from him.

5. Keeping in view the nature of allegations as levelled in the FIR and the fact that there is nothing on record to show that the petitioner himself had stolen any article and further keeping in view the well settled proposition of law that mere non-recovery of stolen articles at the instance of the petitioner, cannot be considered to be a ground to deny the benefit of bail to him. His custodial interrogation is not required for any other purpose. No useful purpose would be served by detaining him in custody. As such, I find no reason why the petition should not be allowed. Hence, the same is allowed and order dated 05.11.2024 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

08.01.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No