



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Reserved on: 17th March, 2025

Pronounced on: 19th March, 2025

1. CRM-M-6629-2025

Vicky @ Vicky Soul

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-6635-2025

Pamma @ Pawan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sidhant Bhonsle, Advocate for the petitioners.
(in both petitions)
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

This order shall dispose of the aforementioned petitions filed by the petitioners for grant of anticipatory bail in case arising out of FIR No. 100 dated 27.09.2024 registered under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') Sections 115(2), 127(2), 31(6), 191(3) and 190 of BNS added later on registered at Police Station Sadar Raikot, District Ludhiana Rural, Punjab.

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 a complaint lodged by Amandeep Kaur, Principal of Government Senior Secondary Smart School, Bhaini Baringa, Ludhiana alleging therein that on



the night of 27.09.2024, the articles lying in the school premises had been stolen. After registration of FIR, investigation proceedings have been initiated and are underway.

3. During the course of investigation, the co-accused Ajay and Naresh had been joined into investigation. They suffered disclosure statements admitting their involvement in the commission of the subject offence and got recovered some of the stolen articles. They also took the names of the present petitioners as the persons, who were involved with them. The petitioners were accordingly nominated as accused. Apprehending their arrest, they moved applications for grant of anticipatory bail before the Court of learned Additional Sessions Judge, (Special Court), Ludhiana, which was dismissed vide order dated 08.01.2025.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They were not named in the FIR. The disclosure statement of the co-accused cannot be considered to be admissible against them. Their custodial interrogation is not required. No recovery is to be effected from them. They are ready to join the investigation. Therefore, it is urged that the petitions deserve to be allowed.

5. Status report has been filed by respondent-State, as per which, the petitioners along with the co-accused caused injuries to the Chowkidar of the school on the fateful night and confined him in one room and thereafter, by breaking open the locks of the rooms of the school committed theft of all the articles kept therein. Some of stolen articles have been recovered from the co-accused who have been arrested. Recovery of remaining articles is to be effected from the petitioners. Their custodial interrogation is required for



that purpose. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioners. Accordingly, it is urged that the petitions do not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioners along with co-accused are alleged to have committed theft of articles kept in the school of the complainant on the night of 26/27.09.2024. Two of the accused, who had been arrested, took the names of the petitioners. Only some of the stolen articles have been recovered. For conducting thorough investigation in the matter and for the purpose of eliciting the information about the manner, in which the offence has been committed, the custodial interrogation of the petitioners is must. Even otherwise, no extra ordinary or exceptional circumstance, warranting exercise of benefit of pre-arrest bail to the petitioners, has been made out. Therefore, no ground has been made out for allowing the petitions. Consequently, the same are dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petitions have been dismissed, pending application, if any, is rendered infructuous.

10. Photocopy of this order be placed on the file of connected case.

[MANISHA BATRA]
JUDGE

19th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*