

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:134720



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CRM-M-31770-2025 (O&M)

Date of Decision: 25.09.2025.

Mohinder @ Mahender

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. A.S. Jattana, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.45 dated 23.11.2021 under Section 379 of IPC, registered at Police Station GRP Pathankot.

As per prosecution case, complainant Archana Salaria made a written complaint to the police regarding transfer of FIR No.36 to Pathankot, which was filed for inquiry against theft in Malwa Express Train on the ground of suspicion of theft in a location between Jhansi and Karnal, whereas it was found that theft had been committed in Pathankot. It was alleged that gold ornaments approximately 20 tolas and two diamond rings weighing one tola have been stolen in running train by some unknown person. Hence, the present FIR was registered.

Learned counsel for the petitioner contended that the petitioner

is innocent and has falsely implicated in the present case. The petitioner has been nominated as an accused on the basis of confessional statement of co-accused. He prayed that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Learned State counsel has opposed the petition and submitted that it is a case of theft of 20 tolas of gold jewellery and as per the investigating officer the petitioner had been seen in the CCTV footage. Partial recovery had been effected from co-accused Mukesh Kumar, thus, custodial interrogation is required to recover the stolen jewellery and as such he is not entitled to the concession of bail.

Heard.

Initially the petitioner was not named in the FIR. Later on, the petitioner was named as an accused, on the basis of disclosure statement of co-accused Mukesh Kumar, who stated that the petitioner was also involved in the commission of offence.

As per status report, during investigation CCTV footage of coach in which the complainant was travelling was obtained, in which the petitioner was visible. The said CCTV was shown to the complainant and it was got verified from her. Thus, as per the allegations, the petitioner in active connivance with other co-accused committed theft of gold ornaments approximately 20 tolas and two diamond rings weighing one tola from the complainant's trolley bag while travelling in the running train Malwa Express, near Pathankot. Out of the stolen gold ornaments only one gold chain weighing 15.100 grams had been recovered from co-accused Mukesh Kumar. Remaining gold ornaments are yet to be recovered. The custodial

interrogation of the petitioner is required for fair and proper investigation in the present case and denial of custodial interrogation of the petitioner will adversely effect the investigation in the present case.

Accordingly, the present petition stands dismissed. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

25.09.2025.

Komal

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