

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

CRM-M-9778 of 2015

Date of decision : 06.07.2015

Happy @ Prithipal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. D.S.Pheruman, Advocate
for the petitioner.

Mr. Jashanpreet, AAG, Punjab.

DARSHAN SINGH,J(Oral)

1. This petition has been filed for grant of the anticipatory bail by petitioner Happy @ Prithipal Singh in case FIR No. 3 dated 02.01.2015, for offence under Sections 379, 420, 411, 467, 468, 471, 472, 483/120-B of Indian Penal Code, registered at Police Station “B” Division, District Amritsar by invoking the provisions of Section 438 Code of Criminal Procedure, 1973.

2. As per the prosecution allegations, a secret information was received against the present petitioner and his co-accused that they have formed a gang for committing theft of vehicles from different states and in connivance with their other co-accused, they prepared the bogus registration certificates and by installing forged number plates, they sell

the stolen vehicles.

3. Learned counsel for the petitioner contended that the petitioner has already joined the investigation. No recovery has been effected from the possession of present petitioner either of any stolen vehicle or forged documents. Even the reply filed by the respondent-State shows that he has been thoroughly interrogated. He contended that an effort has been made to falsely implicate the petitioner as he happens to be the brother of Amritpal Singh @ Amrit the other accused. He further contended that the disclosure statements of the co-accused are not admissible against the present petitioner.

4. On the other hand learned State counsel pleaded that name of the present petitioner very much figures in the FIR. He is operating the gang indulging in committing theft of the luxury vehicles from other states and selling the same after forging the documents and number plates. Twenty six stolen vehicles have been recovered in this case. He contended that custodial interrogation of the petitioner is essential for the logical conclusion of the investigation. He further contended that though the petitioner has joined the investigation, but still he has concealed the facts taking the benefit of the shield of interim anticipatory bail.

5. I have duly considered the aforesaid contentions.

6. The Hon'ble Supreme Court in case **Jai Prakash Singh Vs. State of Bihar and another 2012(2) RCR (Criminal) 251** has laid down that the anticipatory bail being an extra ordinary privilege should be granted only in exceptional cases. It was further laid down that while considering the prayer for grant of the anticipatory bail, the Court has to

see that no prejudice should be caused to the free, fair and full investigation.

7. In the instant case, there are specific allegations against the petitioner that he has formed a gang with his co-accused to steal the vehicles from other states and by joining hands with another set of accused including his brother Amritpal Singh @ Amrit, they prepare fake registration certificates and number plates and by affixing the same they are operating the business to sell the aforesaid vehicles. During the investigation of this case total 26 vehicles, most of the luxury vehicles have been recovered.

8. The reply filed by the respondent-State shows that the petitioner had joined the investigation. He was put certain questions by the Investigating Officer to bring out the actual facts regarding his connivance and involvement with the other accused. But, he did not give proper replies. In reply to question no. 6, he has admitted that he has sold one Indigo Car and two Swift cars through the person living in the upper portion of his house. But, he did not disclose the particulars of that person. He is also running absent from his duty.

9. In view of the large magnitude of the offence, it requires fair and full investigation. The interrogation of the person having protective ring of anticipatory bail is not as much result oriented as it should be. In view of the large magnitude of the offence, the allegations against the petitioner and the role attributed to him, his custodial interrogation may be necessary in order to reveal and expose the *modus operandi* for the commission of the offence.

10. Thus, keeping in view my aforesaid discussion, the present petitioner has not been able to make out the exceptional case in order to claim the extra ordinary privilege of the anticipatory bail.

11. Consequently, the present petition is devoid of merits and is hereby dismissed.

06.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**