

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55864-2018 (O&M)

Date of Decision:-22.2.2019

Gurjit Singh @ Maltu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.99 dated 22.6.2018 at Police Station Mandi Gobindgarh, District Fatehgarh Sahib under Sections 379, 411 and 473 of Indian Penal Code.

The allegations, in nutshell, are that upon receipt of a secret information by the police to the effect that four persons namely Gursewak Singh @ Sewak, Gurjit Singh, Ranjit Singh @ Giani and Rahul Singh indulged in theft of vehicles, motorcycles, scooters in the area of District Fatehgarh Sahib, barricading was raised and a golden coloured 'Verna' car bearing registration No.PB-23A-4141 was apprehended, in which there were three occupants namely Gursewak Singh @ Sewak, Ranjit Singh @ Giani and Rahul Singh, who all were also apprehended at the spot.

It is further the case of prosecution that Gursewak Singh @ Sewak suffered a disclosure statement to the effect that his brother Gurjit Singh is also party to the offences, inasmuch as Gurjit Singh used to sell off the vehicles stolen by his co-accused.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and neither he was arrested at the spot nor any recovery was effected from him and is being implicated solely on the basis of the alleged disclosure statement of co-accused Gursewak Singh @ Sewak.

The learned State counsel, while opposing the petition, has submitted that since there was a specific categorical secret information 'by name' against the petitioner, no case for grant of anticipatory bail is made out, especially when the real brother of the petitioner himself has also nominated the petitioner as an accused.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner was not arrested at the spot and nor any recovery was effected from him and is being nominated mainly on the basis of a disclosure statement, the admissibility and veracity of which is yet to be tested during the course of trial and while also noticing that the petitioner is not stated to be a previous convict, the present petition is accepted and the interim directions issued by this Court vide order dated 18.12.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

22.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No