

CRM-M-24909 of 2020

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

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Date of decision: - 14.09.2020

Balbir Singh alias Bubby alias Kashmir Pal Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.  
Ms. Monika Jalota, DAG, Punjab.

**DEEPAK SIBAL, J. (ORAL)**

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.8 dated 21.01.2020, registered under Sections 379, 411, 473, 467, 468, 471, 120-B IPC at Police Station Kacha Pacca, District Tarn Taran.

The case of the prosecution, as borne out from the short reply filed on behalf of the State, is that on 21.01.2020, SI Sukhdev Singh received information that Jaideep Singh @ Jai, Balbir Singh @ Bubbi and Gora, along with 3/4 other unidentified persons, as a gang were indulging in stealing of motor vehicles/cars from Uttar Pradesh, Madhya Pradesh and Haryana and selling them in Punjab. As per the received information Jaideep Singh could be apprehended while going in a white Scorpio from his residence at Village Burh Chand to Amritsar. A police party was formed who laid a naka and on seeing a white Scorpio coming from the side of Village Diyalpur at very high speed it was signalled to stop but the driver of the car tried to take a U-turn. In that process the car entered into the fields and its

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driver was then apprehended who disclosed his name as Jaideep Singh @ Jai. On being questioned he was unable to give any satisfactory reply with regard to the ownership of the vehicle which he was driving. On this the said vehicle bearing registration No.DL-1CW-9211 was taken into possession and FIR in question was lodged under Sections 379, 411 IPC. During the course of custodial interrogation Jaideep Singh stated that he along with the petitioner and other co-accused had stolen several motor vehicles/cars out of which four had been stolen by the petitioner. These four vehicles were also described by him as a white Hyundai i20 car, one Maruti Swift Dezire and two Hyundai Cretas. He further told the police that these cars were parked by the petitioner at the Dera of Baba Lakhwinder Singh in Village Bhaini Gurmukh Singh, District Tarn Taran.

During the course of investigation statement of Santokh Singh son of Bhag Singh was recorded as per which he was owner of H. No.162, National City, Golden Gate, Amritsar, in which the petitioner was a tenant till September, 2018 after which he had left the house to reside at an unknown place. The real sister of the petitioner namely, Harpreet Kaur was also contacted by the police, who stated that the petitioner-Balbir Singh @ Bubbi @ Kashmir Pal Singh was her brother who had been dis-owned by their mother – Gurmeet Kaur. Harpreet Kaur also produced the petitioner's photograph which was taken into possession by the investigating officer by following the process established for the same and the same was got identified from co-accused Jaideep Singh who verified the petitioner's identity.

Investigations conducted till date have resulted in the recovery of seventeen stolen vehicles which include the aforesaid four vehicles which were allegedly stolen by the petitioner.

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Learned counsel for the petitioner submitted that the accused is Balbir Singh @ Bubbi whereas petitioner is Kashmir Pal Singh; there is contradiction in the case of the prosecution as in the FIR the petitioner has been named as one of the accused whereas in the affidavit now filed before this Court it is stated that the petitioner has been nominated as an accused after recording the statement of co-accused Jaideep Singh and that falsity in the case of the prosecution is clear from the fact that the stolen cars have allegedly been recovered from the house of the petitioner at Amritsar but in the affidavit filed before this Court it is stated that they were recovered from Tarn Taran.

Learned State counsel seeks dismissal of the present petition primarily on the ground that the petitioner is a member of an inter-state gang which has stolen cars from Uttar Pradesh, Madhya Pradesh and Haryana to sell them in Punjab.

The allegations against the petitioner are serious. Custodial interrogation of co-accused Jaideep Singh, who was apprehended at the spot, has revealed that the petitioner was a member of a gang who stole cars from Uttar Pradesh, Madhya Pradesh and Haryana and sold them in Punjab. Investigations conducted so far have resulted in the recovery of seventeen stolen vehicles out of which four vehicles have allegedly been stolen by the petitioner. These four vehicles have been recovered from the petitioner's maternal grandfather's village where the petitioner is believed to be residing at present as Santokh Singh, the petitioner's earlier landlord, has stated that the petitioner had left residing in his house at Amritsar since September, 2018. The petitioner's identity as Balbir Singh alias Bubbi alias Kashmir Pal Singh has also allegedly been established by the prosecution on the basis of the statement of the petitioner's sister – Harpreet Kaur

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and identification by Jaideep Singh of his photograph given to the investigating agency by Harpreet Kaur.

In view of the above and for unearthing details and *modus operandi* being adopted by the petitioner and his co-accused for stealing and selling of stolen cars, as also the involvement of other persons, if any, which issues are inclusive and not exhaustive, custodial interrogation of the petitioner is necessary.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

**September 14, 2020**  
R.S.

**(Deepak Sibal)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No