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

CRM-M No.17503 of 2021

Date of Decision:21.09.2021

PARTAP SINGH @ HARPARTAP SINGHPetitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Shubham Mehta, Advocate for
Mr. Vivek Salathia, Advocate
for the petitioner.

Mr.Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.56 dated 11.03.2021 registered under Sections 379, 411, 34 IPC and Section 25(6) Arms Act, at Police Station Gate Hakima, District Police Commissionerate, Amritsar.

Notice of motion was issued on 27.04.2021 on the premise that the petitioner has been implicated on the basis of disclosure statement of co-accused Shamsher Singh, who has been arrested, stolen motorcycle and country made pistols have also been recovered from him.

As per disclosure statement of co-accused Shamsher Singh, the alleged motorcycle is owned by brother of the petitioner and no complaint has been lodged by the brother of the petitioner in respect of theft. Commissioner of Police, Amritsar was directed to file his affidavit detailing the case of the

prosecution qua the petitioner with the special reference in the context of observations made by the Court in the order dated 27.04.2021.

In compliance of the order dated 27.04.2021, affidavit of Dr. Sukhchain Singh Gill, IPS, Commissioner of Police, Amritsar City has been filed.

According to para 4 of the affidavit, following information has been disclosed:-

That from the verification made it transpired that on 11.03.2021, SI Dilbagh Singh, In-charge of Police Post Anngarh of Police Station Gate Hakima, Amritsar City along with other police officials were on patrolling in the area of Baba Deep Singh Avenue, Amritsar. There, SI Dilbagh Singh received secret information that Shamsheer Singh @ Shera along with Partap Singh (Petitioner), Gopal Brahmin @ Sajanand Kalu have formed a gang. They steal motorcycles from different places in city. They also have pistols, revolvers and country made pistols in their possession. They give shape of imported weapons to the country made weapons and sell the same to criminal persons. It was also informed that on that day Shamsheer Singh @ Shera by riding on motorcycle Hero Honda bearing No.PB02-DY-8818, colour black was waiting for some customers in order to sell either stolen motorcycle or weapon. If raid is conducted then stolen motorcycle or weapon can be recovered from him. Therefore, on the basis of the secret information, SI Dilbagh Singh sent ruqa to the Police Station Gate Hakima for registration of FIR and the present Case/FIR No.56, dated 11.03.2021, under Sections 379/411/34 IPC, 25(6) Arms Act, Police Station Gate Hakima, Amritsar City was registered.

The affidavit further reveals that the ownership of the motorcycle bearing No.PB02-DY-8818 was verified from office of the Transport Authority and on verification it was found to be registered in the name of Bikramjit Singh son of Buta Singh,

who happens to be brother of the petitioner. The said motorcycle has already been released on sapurdari in favour of Bikramjit Singh in compliance of the order dated 31.05.2021 passed by the Court of Ld. JMJC, Amritsar. No FIR in respect of theft of motorcycle has been registered by the co-owner. Ownership of motorcycle TVS Star City is yet to be ascertained as the same does not bear registration number. It has already been verified that the petitioner has not been found to be involved in any other case, however, actual facts in respect of involvement of the petitioner in the present case along with co-accused Shamsheer Singh @ Shera can only be ascertained during custodial interrogation.

Since the petitioner has been nominated on the basis of disclosure statement of the co-accused, therefore I deem it appropriate to confirm the order dated 27.04.2021. Ordered accordingly. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

21.09.2021

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No