

230

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

(Through video conferencing)

**CRM-M No.29461 of 2021
Date of Decision: 22.09.2021**

AMANPREET SINGH @ AMAN

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Shivya Sehgal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.55 dated 17.03.2021 registered under Sections 379, 411, 420, 467, 468, 471, 473, 120-B IPC at Police Station Sarabha Nagar, Ludhiana District Ludhiana.

It has been alleged by the prosecution that the petitioner being a member of gang has stolen luxury cars and thereafter by changing engine and chassis numbers, he used to prepared forged documents and by putting forged plates, used to sell in the market. FIR was registered on 17.03.2021 and 17

vehicles were got recovered at the instance of petitioner after recording his disclosure statement which ultimately led to recovery. Co-accused Micky Sahni was also arrested and three vehicles have been recovered at his instance. Micky Sahni has been granted regular bail by the Court of Sessions.

After arrest of the petitioner, he was produced in the Court on 19.03.2021 and his police remand of four days was taken. During his remand Brezza car bearing Regn. No.CH01-BQ-1170 was recovered which was stolen from Vipin Kumar @ Bhallu. Vipin Kumar @ Bhallu has also been arrayed as an accused in the present case by ASI Buta Singh. It is not explained as to how the owner of the car has been arrayed as an accused along with the petitioner. On 21.03.2021, raids were conducted at Delhi by taking the petitioner and Micky Sahni for the search of Rohin, but he could not be located due to incomplete address. On 22.03.2021, raids were conducted at Laddi's house at Jalandhar along with petitioner, but his whereabouts could not be ascertained due to incomplete address. Petitioner got recovered one I-20 car on 23.03.2021. He was again produced in Court and two days police remand was also taken. During this police remand, two vehicles i.e. Innova Crysta and Creta cars were got recovered by the petitioner.

At the time of dismissal of bail of the petitioner by the trial Court, the case was at the investigation stage. Admittedly, now the challan has been presented in the Court.

As per status report filed by way of affidavit of Gurpreet Singh, PPS, Assistant Commissioner of Police (West), Ludhiana, petitioner is accused in other six cases of theft and recipient of booty arising out of theft. During examination of the petitioner, six stolen cars were recovered from the ground situated near the house of the petitioner and two fake registration certificates were also recovered from the said cars. Thereafter on 19.03.2021, petitioner got recovered seven more stolen cars from Ayali Car Bazaar. On 20.03.2021, petitioner got recovered one more stolen car from the Mall Godown situated backside Arora Palace. On 22.03.2021, petitioner also got recovered one more car from Transport Nagar, near the office of Sub-Registrar. On 25.03.2021, petitioner also got recovered two more stolen cars from Cremation Ground, Urban Estate Ludhiana. In this way, the prosecution has alleged that 17 stolen cars with two fake registration certificates were recovered at the instance of the petitioner.

Learned counsel for the petitioner by referring to the sites from where the alleged recoveries have been made submits that none of the sites are in exclusive possession of the

petitioner. It would remain debatable whether the disclosure statement of the petitioner ultimately led to recoveries of stolen cars from the sites/places would be admissible in law or not.

Admittedly challan has been submitted to the Court. Offence is triable by the Magistrate. Charges have been framed, but no prosecution witness has been examined so far.

Learned State counsel could not dispute the factual position of the case, however he submits that the petitioner is having antecedent behaviour of criminal activity and being member of gang operating in the area is not entitled to regular bail.

Having considered the submissions made by learned counsel for the parties, I find that the offence is triable by the Magistrate. Challan has already been submitted. The recoveries based on disclosure statement from the places in not exclusive possession of the petitioner would remain debatable. The complicity of the petitioner would be tested on the basis of quality of evidence to be brought by the prosecution on record.

At this stage, keeping in view the custody, stage of trial, other particulars of the case and also in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the

merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

September 22, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No