

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

212

CRM-M-38472-2021 (O&M)
Date of Decision: 22.09.2021

Bovy Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. I.S. Dhaliwal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Krishan Lal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 181 dated 03.07.2021 at Police Station Lambi, District Sri Muktsar Sahib, under Section 380 of the IPC, 1860 (Sections 411/413 and 473 of the IPC, 1860 added later on)
2. The FIR was lodged at the instance of Maghi Lal, wherein it is alleged that he owned motorcycle bearing registration No.RJ-31-SE-7147 and that although the same is not registered in his name, but the previous owner had executed an affidavit regarding its sale in his favour. It is alleged that on 30.06.2021, he had parked the motorcycle

- in the house of his aunt during night. However, the same was stolen by removing wooden planks from the gate. The complainant kept on searching for his motorcycle and made enquiries at his own level, but the same could not be traced.
3. It is the case of the prosecution that on 04.07.2021, the police was able to apprehend Parkash Ram, Bobby (petitioner) and Arshdeep, who were habitual of purchasing stolen properties. It is further the case of the prosecution that the stolen motorcycle was being driven by co-accused Parkash Ram, while the other two persons were riding on another motorcycle. Accused Parkash Ram had affixed number plates which bore different registration number, which was found to be incorrect.
 3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he has clean antecedents and is not involved in any other case earlier.
 4. Learned State counsel has not disputed the fact that it is a case where it is the co-accused Parkash Ram, who was found to be in possession of the motorcycle in question. It has also not been disputed that the petitioner is not involved in any other case. Learned counsel has informed that the petitioner as on date has been behind bars since the last about 2 months.
 5. I have considered rival submissions addressed before this Court.
 6. Having regard to the facts and circumstances of the case particularly that it is the co-accused from whose possession the motorcycle had been recovered and that the petitioner otherwise has a clean record, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

22.09.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No