

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

207

**CRM-M-47059-2021  
Decided on : 15.11.2021**

Golu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. L. S. Mann, Advocate  
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.  
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**VIKAS BAHL, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 82 dated 11.07.2021 under Sections 379, 411 and 34 of the Indian Penal Code, 1860 (Sections 379-B and 482 IPC added later on) registered at Police Station Navi Baradari, District Police Commissionerate, Jalandhar.

The case of the prosecution is that when the police party was present at Krishna Factory in a government vehicle (Scorpio) for the purpose of patrolling and checking the vehicles coming from the side of BSF chowk so as to keep a check on bad elements, then one Hero Splendor motorcycle without number, came from the side of BSF Chowk on which two hair cut boys were seen coming. On seeing the naka, they suddenly tried to turn back and fell down due to slipping and they were stopped and after necessary enquiries, it was found that the person who was driving the motorcycle was the petitioner and the pillion rider was one Manish Kumar @ Mannu. When the Registration

Certificate regarding the ownership of the motorcycle was demanded from them, they could not produce the same. After checking the ownership of the motorcycle on VAAHAN APP after feeding/entering the Chasis no. and Engine no., it was found that the said Splendor Plus Motorcycle was allotted number PB-08-BS-3952 and was registered in the name of Paramjit Singh S/o Harbans Singh. The petitioner and the co-accused had infact taken off the number plate of the motorcycle also. On further enquiry, it had found the petitioner alongwith his co-accused had stolen the said motorcycle 4-5 months ago from Sarb Multiplex Amritsar, GT Road and on further investigation it was also found that the petitioner alongwith the other co-accused had stolen several mobile phones and scooter/motorcycles and in fact, 10 mobile phones were recovered from the house of the petitioner and two motorcycles were recovered from the petitioner and two more motorcycles were also recovered on the basis of the disclosure statement made by the petitioner.

Learned counsel for the petitioner has submitted that as far as the present motorcycle is concerned, no statement under Section 161 Cr.P.C. of Paramjit Singh, who is stated to be its owner, had been recorded. It is submitted that as far as the ten mobile phones recovered from the house of the petitioner are concerned, no notice under Section 100 Cr.P.C. had been issued before searching the house of the petitioner. It is further submitted with respect to the two additional motorcycles which were recovered, that one was from the open space

and the other was the motorcycle which was impounded.

Learned State counsel has opposed the present bail application and has submitted that from the facts, it is apparent that the petitioner and other co-accused have stolen several vehicles and mobile phones and that the present motorcycle, 10 mobile phones and two other motorcycles have even been recovered from the petitioner.

This Court has heard the learned counsel for the parties.

In the present case, as per the FIR, the petitioner alongwith his co-accused was apprehended at the spot and the motorcycle, which was not bearing any number, was also recovered from them and it had transpired from the record that one Paramjit Singh was the registered owner of the said vehicle. The petitioner could not produce any Registration Certificate of the vehicle or any other document to show that the petitioner was in legal possession of the said motorcycle. The said ground is enough to dismiss the present petition. Further, even the fact whether the statement of Paramjit Singh has been recorded or not, cannot also be confirmed inasmuch as the petitioner has not placed on record the challan or the list of witnesses in the present petition. At any rate, the factum of ownership of Paramjit Singh which came out from the record has not been disputed. There is recovery of two more motorcycles from the petitioner. One of the motorcycles has been recovered from open space pursuant to a statement made by the petitioner and the same also indicates that the petitioner is habitual of committing these offences of theft.

Keeping in view the abovesaid facts and circumstances, this Court is of the view that the petitioner does not deserve the concession of regular bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)  
JUDGE

15<sup>th</sup> November, 2021  
*Mehak*

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |