

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-48605-2019 (O&M)

Date of Decision:27.08.2021

Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gagandeep Singh Single, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Satnam Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.92 dated 22.12.2018 at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, under Sections 379-B/34 IPC.
2. The FIR was lodged at the instance of Nishan Singh, wherein it is alleged that on 07.12.2018 he had gone to Chandigarh in connection with some official work and when he was returning back on his motorcycle then at about 9:30 PM, a vehicle came from Batala side at a very high speed and hit against his motorcycle as a result of which he fell down. It is alleged that 4

persons alighted from the said vehicle, who had their faces muffled and snatched the bag of the complainant, which contained several official documents, his mobile phone, adhaar card, PAN card, driving licence, ATM card as well as cash amount of Rs.3500/- and thereafter they ran away from the spot.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused Gurbaj Singh @ Baja, who has since been acquitted and that in these circumstances, the disclosure statement made by the said acquitted accused will hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that during the interrogation of co-accused, it has transpired that it is the petitioner's vehicle, which was used for commission of offence and as such, he does not deserve the concession of bail. Learned State counsel is, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is nowhere named in the FIR. Though the police claims that during the course of interrogation of co-accused Gurbaj Singh, he has stated that petitioner's vehicle had been used for commission of offence, which is owned by the petitioner himself, but in fact the FIR does not disclose any registration number of the vehicle. Further, the case mainly hinges on the disclosure statement of co-accused, the veracity and

admissibility of which would be debatable. The co-accused, who is alleged to have made a disclosure statement, had faced trial and he has since been acquitted, which itself has caused a serious dent in the case of the prosecution.

7. Having regard to the aforesaid facts and circumstances and while noticing that the petitioner has joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 16.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

27.08.2021

(GURVINDER SINGH GILL)

VY/Vimal

JUDGE

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