

103

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

CRM-M-506-2022

Date of decision : 10.01.2022

Jagjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harpreet S. Rakhra, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.150 dated 28.08.2021 registered under Section 379-B(2) of the Indian Penal Code, 1860 at Police Station Majitha Road, Amritsar.

Learned counsel for the petitioner has submitted that the petitioner had a dispute with the complainant and had heated arguments on the date of occurrence and thereafter had informed the complainant about his address and name at the time of arguments. It is further submitted that neither the petitioner had stolen the car of the complainant nor had pointed a pistol towards him. It is argued that the present FIR has been registered by

the complainant only on account of the heated arguments which had taken place on the date of occurrence. It is further argued that the car was recovered subsequently.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that as per allegations in the FIR, two young persons had come to the complainant who was sitting in his car and pointed a pistol towards him and told him to come out of the car and after coming out of the car, they took his car which also contained several documents. It is argued that the motorcycle which the petitioner was riding and the co-accused was sitting as a pillion rider, was left at the spot, and the ownership of the motorcycle was of one Amar Nath, who had further sold it to one Satnam, who had further sold it to Mathura, who had further sold it to Amit Kumar and the said Amit Kumar had given the statement that it is the petitioner who had borrowed the said motorcycle on the date of incident and it is, thus, apparent that the presence of the petitioner is proved and the allegations levelled in the FIR are serious in nature and thus, the petitioner does not deserve the concession of anticipatory bail.

Keeping in view the abovesaid facts and circumstances, moreso the fact that there are serious allegations in the FIR to the effect that two persons had at gun point stolen the car of the complainant and the presence of the petitioner at the time of incident is not disputed,

and the pistol is yet to be recovered, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an 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.

10.01.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No