

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26307-2022

Date of Decision: 11.07.2022

MANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bikramjit Aroua, Advocate
for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.23 dated 31.03.2022 (Annexure P-1) registered under Sections 473, 379, 411 and 120-B IPC, 1860 at Police Station Ghanie Ke Bangar, District Batala.

2. The present FIR came to be registered at the instance of the police officials, who stated that a secret informer had informed them that Gurpreet Singh @ Gopi and his brother Manpreet Singh son of Ajit Singh residents of Shamsherpur against whom another FIR already stands registered had stolen a motorcycle upon which No.PB-18-V-3894 has been affixed. This is the number of their previous motorcycle, which was lying impounded in a case at Police Station Fatehgarh Churian and they were for a customer to sell the said motorcycle. If a Nakabandi was done the said accused could be apprehended. Based on the information, a Nakabandi was done and after some time, a motorcycle with the aforesaid number on which

two young men were riding came there. On seeing the police party they tried to speed away by throwing the motorcycle but the driver of the motorcycle was apprehended with the help of the police officials, who disclosed his name as Gurpreet Singh @ Gopi son of Ajit Singh and stated that the escaped person was his brother Manpreet Singh (the present petitioner). On interrogation, he disclosed that both the brothers had stolen the motorcycle from the nearby Civil Hospital, Fatehgarh Churian, affixed the number of an earlier motorcycle, which was in the custody of the police and were now looking for a customer to sell the said motorcycle.

3. The learned counsel for the petitioner contends that the allegations made in the FIR are baseless in fact, the phone location of ASI Baldev Singh would establish that there was an illegal raid at the house of the petitioner and the location of the mobile number of the petitioner would establish that the petitioner has been falsely implicated. He further contends that initially he had been granted the concession of interim anticipatory bail but because of the pendency of FIR No.21 dated 28.03.2022 registered under Sections 379-B, 34 IPC at Police Station Ghanie Ke Bangar, District Batala, in which the Investigating Agency was seeking his arrest, he could not join investigation in the present case because of which his anticipatory bail was dismissed.

4. I have heard the learned counsel for the petitioner at length.

5. Admittedly, the petitioner was granted the concession of interim anticipatory bail vide order dated 29.04.2022 (Annexure P-2) but since he did not join investigation his bail application was declined vide impugned order dated 10.05.2022 (Annexure P-5). It may be relevant to mention here that the

name of the petitioner has been clearly mentioned by his brother Gurpreet Singh @ Gopi as an equal partner in the crime in question. Further, the petitioner has criminal antecedents and as many as 03 other FIRs stands registered against him bearing (i) FIR No.34 dated 29.03.2019 registered at Police Station Jhander, Amritsar Rural, (ii) FIR No.03 dated 06.01.2022 registered at Police Station Fatehgarh Churian, District Batala and (iii) FIR No.21 dated 28.03.2022 registered under Sections 379-B, 34 IPC at Police Station Ghanie Ke Bangar, District Batala.

6. In view of the above, looking at the serious nature of allegations levelled against the petitioner, his criminal antecedents inasmuch as, he is found involved in more than one case, the custodial interrogation of the petitioner is necessary to take the investigation in the case to the logical conclusion.

7. Therefore, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

11.07.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No