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

CRM-M-28706-2022

Date of decision : 08.07.2022

Bisakha Singh @ Dholu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 97 dated 09.06.2022 registered under Sections 379, 473, 120-B of the Indian Penal Code, 1860 (Section 411 of IPC has been added later on) at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner had earlier filed anticipatory bail before this Court i.e. CRM-M-27637-2022 which was dismissed as withdrawn vide order dated 29.06.2022 with liberty to file fresh petition after giving particulars of FIR against the petitioner and also the fact as to whether the petitioner was on bail in the said case or not.

Learned counsel for the petitioner has further submitted that after giving the said details, the present second anticipatory bail has been filed and has argued that in the present case, stolen Thar car has been recovered from the co-accused Babaldeep Singh @ Babu and not from the present petitioner and thus, the petitioner deserves the concession of anticipatory bail.

This Court has heard learned counsel for the parties and perused the paperbook.

The FIR in the present case has been registered on the basis of secret information and in the secret information, the present petitioner was specifically named and the police party was informed that Babaldeep Singh @ Babu, the present petitioner and Mandeep Singh @ Keepa were habitual of stealing vehicles/motorcycles in connivance with each other and they had stolen a Thar Car after changing its number plate and they are going to sell the same. On the basis of the said secret information, the FIR was registered against the said three persons. Subsequent to the registration of the said FIR, the Thar jeep was recovered from the co-accused Babaldeep Singh @ Babu who did have any document showing ownership of the said Thar Car and the said co-accused made a statement that he alongwith the present petitioner and Mandeep Singh @ Keepa had stolen the vehicle and that they together had also stolen various other vehicles and had further sold the same. The petitioner is stated to be involved in another FIR No.98 dated 04.05.2022 registered under Section 379 of the IPC at Police Station Mansa, District Mansa and thus, it shows that the petitioner is a habitual offender. The co-accused of the petitioner namely Mandeep Singh @ Keepa, whose

case is on a similar footing as that of the petitioner, had filed anticipatory bail petition which had been dismissed by this Court vide order dated 30.06.2022 passed in CRM-M-27785-2022.

In the present case, no argument has been raised as to why the co-accused of the petitioner namely Babaldeep Singh @ Babu has implicated the present petitioner. There is no mala fide alleged against any police officials also but it has been stated that police officials implicate innocent persons in false cases so as to get promotions to a higher rank. The said contention does not further the case of the petitioner inasmuch as the case has already been solved by the police by effecting recovery of the Thar car in question from the co-accused namely Babaldeep Singh @ Babu.

Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail.

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.

08.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**