

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-37719-2022
Decided on : 14.12.2022

Satwinder Singh @ Harry

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 52 dated
23.07.2022 under Sections 379, 411 and 473 IPC registered at Police
Station Block Majri, District SAS Nagar.

On 25.08.2022, this Court was pleased to pass the following
order:

*“Prayer in this petition, filed under Section 438 of the Code
of Criminal Procedure, 1973, is for grant of anticipatory bail to the
petitioner – Satwinder Singh @ Harry, who has been booked for
having committed the offences punishable under Sections 379, 411
and 473 IPC, in a case arising out of FIR No. 52, dated 23.07.2022,
registered at Police Station Block Majri, District S.A.S. Nagar.*

*Learned counsel for the petitioner contends that as per the
allegation against the petitioner now raised by the police is that
Hero Honda Splendor motor cycle, bearing registration No. PB-11-
BZ-6745, had been purchased by the main accused, namely, Dilshad
Singh and Jaspreet Singh, from the present petitioner. Learned
counsel for the petitioner contends that as per the disclosure
statements of these two accused, the petitioner has been implicated*

as an accused in the present case. In fact, the accused gave an explanation by way of disclosure statement that they are bonafide purchaser of the motorcycle from the petitioner, who appears to have sold out the stolen vehicle/motorcycle to them.

To counter the stand of the prosecution, learned counsel for the petitioner refers to the version mentioned in the FIR, wherein it is recorded that on seeing the police checking party, both the above-named accused, who were boarding the motorcycle, tried to take a U-turn and then on doubt the ASI with the help of other companion officials overpowered them. Learned counsel for the petitioner submits that in case the main accused mentioned in the FIR, i.e. Dilshad Singh and Jaspreet Singh, were bonafide purchaser of the motorcycle, there was no occasion/reason for them to get apprehensive and to take a U-turn after seeing the police party. Therefore, the implication of the petitioner by the police is highly doubtful.

Notice of motion.

On the asking of the Court, Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to seek instructions.

Adjourned to 18.10.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 25.08.2022, the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation and is not required for any further

custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 25.08.2022 is ordered to be made absolute.

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.

(VIKAS BAHL)
JUDGE

14.12.2022
Mehak

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