

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

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CRM-M-57926-2022
Date of decision : 13.12.2022

Vishal Singh @ Vishalpreet Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vinay Kumar, Advocate
for the petitioner.

Mr. Joginder Singh Ratra, Senior D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.169 dated 31.10.2022 registered under Sections 379, 411 and 414 of the Indian Penal Code, 1860 at Police Station Jhabal, District Tarn Taran.

The above-said FIR was registered on the basis of secret information received by ASI Satpal Sharma to the effect that co-accused Ramandeep Singh @ Raman and Chamkaur Singh are habitual of stealing motorcycles from crowded places and have formed a gang for further selling the motorcycles. Both the accused have kept concealed a number of motorcycles in the building of old Patwarkhana and if raid is conducted, both the accused persons can be apprehended. Accordingly, raid was conducted by the police and the police apprehended both the accused. On search, 05 motorcycles were recovered from the spot. During interrogation, accused Ramandeep

Singh @ Raman disclosed the name of the petitioner along with others as members of the gang.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Ramandeep Singh @ Raman. The motorcycle recovered from the petitioner was actually purchased by him from co-accused Ramandeep Singh @ Raman in good faith. The petitioner is not involved in any other case. Nothing has to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is also ready and willing to join investigation.

Per contra, learned State counsel has opposed the present petition on the ground that the petitioner is a member of a gang and is habitual of stealing motorcycles of poor people from the crowded places. On instruction of S.I. Kewal Singh, learned State counsel further submits that overall more than 20 stolen motorcycles have been recovered in the present case, Out of which 03 motorcycles have been recovered from the possession of the petitioner. Therefore, the petitioner does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and gone through the paper-book.

The allegations against the petitioner are serious in nature and his custodial interrogation is required in order to unearth the modus operandi of the gang. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of

mine finds support from the judgment of Hon’ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma**, (2014) 2 SCC 171.

Keeping in view the above facts as well as nature of the offences, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

13.12.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No