

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-5302-2023****Date of decision : 18.05.2023****Satinderjit @ Shampy****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********Present :- Mr. Amandeep Saini, Advocate
for the petitioner.****Mr. Sandeep Kumar, DAG, Punjab.***********RAJESH BHARDWAJ, J. (Oral)**

Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.261 dated 02.12.2021, under Sections 379, 420, 465, 467, 468, 471, 473, 120-B of IPC, registered at Police Station Samrala, Police District Khanna.

Adumbrated facts of the case are that the police received a secret information that Jassi Singh, Rinku, Shapi (petitioner), Prasad and Darshan @ Ladi had formed a gang with other persons and they were involved in selling the stolen vehicles/tippers at different place at different cities. It was informed that they changed the engine/chassis numbers of the stolen vehicles and by making fake documents sell them. On the basis of secret information, FIR was registered and the investigation commenced. The raiding party was constituted and during raid Jassi Singh and Rinku were arrested. During their interrogation, they disclosed about the petitioner and other co-accused. On completion of the investigation, challan was presented by the investigating agency. Petitioner was arrested on 04.12.2021. He approached the Court of learned Additional Sessions Judge,

Ludhiana praying for grant of regular bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge, Ludhiana declined the same vide his order dated 07.04.2022. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that though the name of the petitioner was in the secret information, however, co-accused Jassi Singh and Rinku were arrested by the police party and the petitioner was arrayed as an accused on the basis of disclosure statement made by the co-accused. He submits that petitioner is behind bars since 04.12.2021 and investigation already stands completed. To buttress his arguments, he submits that Jassi Singh who was arrested on spot has already been granted bail by this Court vide order dated 24.04.2023. He submits that there was no recovery made from the petitioner whereas from co-accused Jassi Singh, the recovery was effected. He submits that the case of the petitioner was on better footing and thus, on parity itself, petitioner deserves to be granted bail. He also submits that though the petitioner is being prosecuted in two more cases, however, he is on bail in those cases.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the name of the petitioner was duly mentioned in the secret information. He has submitted that the petitioner along with co-accused is member of gang which is involved in selling the stolen vehicles in the market by forging the documents. He submits that the petitioner is a habitual offender as he is facing prosecution in two more cases. However, he submits that in the other cases, as per instructions from ASI Davinder Singh, petitioner is on bail. He submits that the investigation in the present case is complete and charges are also framed

and out of 08 prosecution witnesses, 01 witness has been examined in this case. He fairly submits that the case of the petitioner is not distinguishable from that of the co-accused.

I have heard counsel for the parties and perused the record.

Evidently, petitioner is behind bars since 04.12.2021. Name of the petitioner was mentioned in the secret information, however, he was arrayed as an accused on the basis of disclosure statement made by similarly situated co-accused Jassi Singh, who has already been granted bail by this Court. As submitted by learned State counsel, investigation is complete, charges are also framed and petitioner is involved in two other cases, however, he is on bail in those cases.

The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.05.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No