

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.208

Case No. : CRM-M-31381-2023

Date of Decision : August 03, 2023

Sukhdev Singh alias Sukha Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. S. K. Liberhan, Advocate
for the petitioner.

Mr. Yadwinder Singh Bhangu, AAG, Punjab.

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GURBIR SINGH, J. :

1. This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.23 dated 05.03.2023 (Annexure P-1), under Sections 379, 411, 201, 120-B of IPC, registered at Police Station Sadar Patiala, District Patiala.

2. Pursuant to order dated 03.07.2023, passed by this Court, Status Report by way of affidavit of Gurdev Singh Dhaliwal, Deputy Superintendent of Police, Rural, District Patiala, has been filed in Court today, which is ordered to be taken on record.

3. The case in question was registered on the basis of secret information that Satwinder Singh @ Sunny, Jagseer Singh @ Jagga, Sanjit Singh @ Haddy and Jaswinder Singh @ Vicky, after stealing the motorcycles, were storing them in the dump at the scrap shop of petitioner

Sukhdev Singh @ Sukha. After dismantling the motorcycles, they were selling the same by way of scrap. It was informed by the secret informer that at that time also, they were dismantling the motorcycles and if raid was conducted at that place, then stolen motorcycles, dismantled motorcycles and parts thereof could be recovered.

4. After sending Ruqa, police party raided the disclosed place. There were three persons, who were dismantling the motorcycles. They were apprehended. They disclosed their names as Satwinder Singh @ Sunny, Jagseer Singh @ Jagga and Jaswinder Singh @ Vicky. Upon search, 16 motorcycles, 21 petrol tanks, 21 seats, 21 rear mud-guards, 10 rimless tires, 10 air filters, 5 head lights, 3 tires along with rims, 8 headlight covers, 8 chain covers, 9 leg guards, 4 handles, 4 front mud-guards, 5 licensers and 5 front shockers of different motorcycles were recovered, which were taken into possession.

5. Learned counsel for the petitioner states that the petitioner has been falsely involved in this case as he is a scrap dealer. The identity of the informer has been kept secret. No independent witness was joined. All the three co-accused have been granted regular bail. The petitioner is ready to join investigation. The recovery, if any, is already effected. The petitioner is not the owner of the place, from where recovery was effected. There is no document to show that the petitioner is in possession of the said property.

6. Learned State counsel has opposed the bail petition on the ground that the custodial interrogation of the petitioner is necessary. The place of recovery is in exclusive possession of the petitioner. The petitioner is involved in one more case of theft. Therefore, prayer for dismissal of

petition has been made.

7. Learned counsel for the petitioner has further submitted that the petitioner is already been granted bail in the other case of theft.

8. Heard.

9. Perusal of the file shows that many stolen motorcycles and parts of motorcycles have been recovered from the shop of the petitioner. Three co-accused were arrested from the spot, when they were dismantling the motorcycles. The case is at the stage of investigation. The police is not supposed to disclose the identity of the secret informer. The non-joining of independent witness is not a fact, which is to be seen at this stage. It is a case where a huge number of stolen motorcycles and dismantled motorcycles along with their parts have been recovered. If the petitioner is not interrogated properly, then the entire truth cannot be brought on the file. Therefore, custodial interrogation of the petitioner is required to unearth the truth.

10. In such cases, if a person is equipped with an order of anticipatory bail, interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case of **State represented by the C.B.I. vs. Anil Sharma** reported as **1997 (7) SCC 187** wherein it has been specifically held that :-

*“...Success in such interrogation
would elude if the suspected person knows that he
is well protected and insulated by a pre-arrest bail
order during the time he is interrogated. Very often
interrogation in such a condition would reduce to a*

mere ritual.”

11. Accordingly, keeping in view the peculiar circumstances of the case and the fact that granting concession of anticipatory bail to the petitioner may hamper the investigation, no ground for grant of anticipatory bail is made out.
12. Dismissed.
13. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
14. Pending applications, if any, shall stand disposed of along with this judgment.

August 03, 2023
monika

(GURBIR SINGH)
JUDGE

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