

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40757-2023
Date of decision: 11.09.2023

Manpreet Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sherry K. Singla, Advocate for the petitioner.
Mr. Dhruv Dayal, Additional A.G., Punjab.

ARUN MONGA, J. (ORAL)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 82 dated 21.07.2023, registered under Section 379, 411 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, Urban Estate, Patiala.

2. Per prosecution version, FIR in question was registered against co-accused Balpreet Singh alias Khaira and Varinder alias Krishna on the basis of statement of complainant Buta Singh to the effect that he on 20.07.2023 at about 2:00 p.m., he had come from his village Majri towards Bus Stand, Patiala on his motorcycle bearing registration No.HR-09C-6118 Make Hero Honda CD-DLUX. After parking his motorcycle under the bridge opposite Bus Stand, Patiala, he boarded bus for Chandigarh. At about 8:00 p.m. when he returned from Chandigarh and reached the place where he had parked his mobike, he found the same missing. He searched for his motorcycle and later on it was discovered that on 20.07.2023, Balpreet Singh alias Khaira in connivance with his accomplices Varinder alias Krishan and others had stolen his motorcycle. It was further revealed Balpreet Singh alias Khaira and Varinder alias Krishan used to sell the stolen motorcycles after dismantling the same to junk dealers, including petitioner.

3. Learned counsel for petitioner submits that a perusal of FIR would clearly show that petitioner has neither been named in the FIR nor therein any role has been attributed to him. The present FIR has been registered against co-accused Balpreet Singh and Khaira and Varinder alias Krishan, who are alleged to have committed the above said offence by selling the spare parts of the stolen motorcycles. Further contends that petitioner has been named only in disclosure statement suffered by them, which is not admissible in evidence against him. Petitioner has been falsely implicated in the present case and is entitled to protection against arrest.

4. Per contra, learned State counsel, on advance service of copy of petition, appears and submits that the entire matter requires thorough investigation of the offences so committed, for which custodial interrogation would be required.

5. Heard.

6. On 21.08.2023, this Court had passed the following order:

“On a Court query as to who owns the shop in question from where the stolen parts of the motorcycle/scooter were recovered, learned State counsel seeks time to apprise the Court after getting instructions.

Adjourned to 23.08.2023.”

6.1. On resumed hearing, learned State counsel filed status report by way of affidavit of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Police, City-2, District Patiala, the relevant extract whereof, for ready reference is reproduced herein below:

“5. That during the course of investigation, accused Balpreet Singh @ Khaira and Varinder @ Krishan were arrested by the police on 21.07.2023 as per rules and from their possession, 6 engines of motorcycle and other parts were recovered from their possession. Thereafter, they further got recovered 5 motorcycle engines and other parts on 23.07.2023 on the basis of their disclosure statements.

6. That on 25.07.2023, during the course of interrogation, accused Varinder @ Krishan disclosed that he and Balpreet Singh after committing theft of motorcycles, used to handover the same to the petitioner and used to receive money in lieu of the same from the petitioner in cash. On the basis of said disclosure of accused Varinder @ Krishan, the petitioner was nominated as an additional accused in the FIR on 25.07.2023.

7. That during investigation, it has transpired that the petitioner has taken a shop on rent situated at Village Panjeta and on 26.07.2023, raid was conducted at the shop of the petitioner, from where three motorcycles and on scooty were recovered vide recovery memo dated 26.07.2023 as per the disclosure made by accused Varinder @ Krishan.

8. That thereafter, many efforts were made to nab the petitioner, but he intentionally and knowingly evaded his arrest and in the meantime, bail application file by the petitioner for grant of anticipatory bail has rightly been dismissed by trial Court.

9. That the petitioner has stated in the petition that there is no other FIR registered against the petitioner, which is a sheer misrepresentation on the part of the petitioner. Rather, as per verification of record, apart from present FIR, another FIR No. 54 dated 25.05.2023 U/s 379 IPC, Police Station Julkan, District Patiala has been registered against the petitioner prior to present FIR regarding similar offence committed by the petitioner, which shows that the petitioner is a habitual offender.

10. *That it has also come to light that the petitioner has taken above mentioned shop situated near Village Panjeta, Tehsil and Districts Patiala on rent from one Bhupinder Singh son of Swaran Singh, resident of Sant Hazara Singh Colony, Sanaur, in front of where, the petitioner had kept scrapped items of dismantled motorcycle parts.*

11. *That the petitioner in connivance with his accomplice has created a racket who commits theft of the motorcycles from residential areas and after dismantling the said stolen motorcycles, they sell its part and earn easy money. By doing so, the petitioner and his co-accused have created havoc in the society as motorcycles of many poor people have been stolen, dismantled and sold by them, thus, the petitioner is not entitled to any leniency from this Hon'ble Court."*

7. In view of the status report *ibid*, seeing the gravity of the offences and all other complications involved, I am of the view that custodial interrogation of petitioner is required to effectively unearth the truth behind the allegations and petitioner is not entitled to the extraordinary relief of anticipatory bail, at this stage.

8. Dismissed.

9. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

10. Pending applications, if any shall also stand disposed of.

11.09.2023
Harish Kumar

(ARUN MONGA)
JUDGE

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