

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48634-2021 (O&M)

Date of decision : 17.2.2023

Shiv Ji Ram

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sukhmeet Singh, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab

KARAMJIT SINGH, J. (Oral)

On oral request of the counsel for the petitioner, Section 201 IPC is added in the main petition.

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.42 dated 23.2.2021 registered under Sections 392, 34, 120-B IPC (Section 201 IPC added later on) and Section 25 of Arms Act at Police Station Phillaur, District Jalandhar.

The allegations in nutshell are that on the night intervening between 22/23.2.2021, complainant-Manoj Kumar along with Prince Malhotra was going towards Jalandhar in his Ertiga car bearing No.PB-10-EV-2930 and on the way, they were intercepted by 4 young men who were travelling in a Swift car and they snatched Ertiga car of the complainant and then sped away from there.

Counsel for the petitioner submits that the car in question was

snatched by 4 unidentified persons having muffled faces and that the petitioner was falsely implicated in the present case on the basis of the alleged disclosure made by co-accused Gurwinder Singh @ Ginda who was arrested by the police. He further submits that the petitioner, who is having no criminal history, has joined the investigation with the police in compliance of previous order of interim bail.

State counsel on instructions from ASI Bhupinder Singh submits that the petitioner was involved in snatching of Ertiga car belonging to the complainant. However, State counsel has not disputed the fact that the petitioner has joined the investigation with the police in compliance of previous order of interim bail. State counsel has also admitted that FIR in this case was registered against unknown persons and later on, name of the petitioner was disclosed by the co-accused.

As per status report filed by way of affidavit of Harneel Singh, DSP, Sub Division, Phillaur, District Jalandhar (Rural), it appears that co-accused Gurwinder Singh @ Ginda sold the aforesaid snatched car to one Jarnail Singh who further sold the same to his friend Arajinder Singh @ Kaka and said Arjinder Singh was arrested in the present case on 20.4.2021 and he disclosed that he sold the same to some scrap dealer but the investigating agency failed to locate the whereabouts of the said scrap dealer.

Admittedly, in the present case, FIR was registered against 4 unknown persons having muffled faces who snatched Ertiga car belonging to the complainant. The name of the petitioner surfaced only in the disclosure statement made by co-accused Gurwinder Singh alias Ginda.

Relevance and admissibility of the said disclosure statement will be tested

during the trial. Further, the petitioner who has joined the investigation, is not required by the police for any further investigation or custodial interrogation.

In view of the above, no purpose is going to be served if the petitioner who is having no criminal history, is subjected to custodial interrogation at this point of time.

Accordingly, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 12.5.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

February 17, 2023
Paritosh Kumar

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