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217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46958-2023 (O&M)

Date of decision : 30.10.2023

Sandeep Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Priyanshu Kamra, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.99 dated 29.07.2023, under Sections 379 and 411 of the Indian Penal Code, 1860, registered at Police Station Khuian Sarwar, District Fazilka.

2. Above FIR was registered on the basis of statement made by complainant-Makhan Singh that one Mahindra Pick up bearing registration No.PB-10-EF-2222 was parked outside his house on 28.07.2023 at about 11:00 AM. Next morning, i.e. 29.07.2023 around 03:00 AM, he found that vehicle was missing. During investigation, petitioner was apprehended in the present case.

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3. Learned counsel for the petitioner submits that petitioner is not named in the FIR and is apprehended only on the basis of disclosure statement made by co-accused, namely, Davinder Singh. He also submits that petitioner is ready to join investigation and cooperate with the Investigating Officer.

4. Per contra, learned State counsel opposed the prayer of the petitioner and submits that custody of petitioner is required to unearth true facts of the case. He further submits that there is one more FIR bearing No.83 dated 14.12.2018, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'Act of 1985') registered at Police Station Sadar Abohar, District Fazilka, against the petitioner.

5. Heard learned counsel for the parties and perused the paper-book.

6. Concededly, petitioner is facing the aforesaid FIR No.83 dated 14.12.2018, under Section 21 of the Act of 1985.

7. In view of the above, this Court is not inclined to extend the benefit of pre-arrest bail to the petitioner.

8. As a result thereof, there is no option except to dismissed the petition.

9. Ordered accordingly.

10. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

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11. Pending application(s), if any, shall also stand disposed off.

30.10.2023
adhibikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No