

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-49558-2023**

**Date of Decision:-02.11.2023**

**Chamkaur Singh.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Prince Sharma, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, DAG Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.169 dated 31.10.2022 under Sections 379, 411, 414, 489, 34 IPC registered at Police Station Jhabal Tehsil & District Tarn Taran, Punjab.

2. The brief facts of the case are that on 31.10.2022 while the police party was on patrolling duty, secret information was received that Ramandeep Singh @ Raman (since granted bail vide order dated 24.07.2023 in CRM-M-9408-2023) and Chamkaur Singh (petitioner) both residents of Jhabal Kalan had formed a gang to sell stolen bikes. They had parked the said stolen bikes at a desolate Patwarkhana and would sell them to different persons at low prices. If a raid was conducted, they could be apprehended with the stolen bikes. Thereafter the raid was conducted and two boys were apprehended who disclosed their identities as the petitioner and Ramandeep

Singh @ Raman. Five bikes came to be recovered from the place. They disclosed that more stolen bikes were lying elsewhere. Pursuant there to, Ramandeep Singh @ Raman got recovered 05 motor cycle bikes and Chamkaur Singh got recovered 03 motor cycle bikes. Thereafter the instant FIR came to be registered.

During the course of investigation, the Ramandeep Singh @ Raman suffered his disclosure statement that he had hidden one bullet motor cycle whose chasis and engine number had been tampered with along with one other motor cycle with big tyres. The said motor cycles had been hidden at a crematorium and he could get the same recovered.

Ramandeep Singh @ Raman got recovered 02 motor cycles and petitioner-Chamkaur Singh also got recovered 02 motor cycles make Splendor. They also disclosed the names of their companions as Vishal Singh, Akash Singh @ Joga, Lovepal Singh and Kaka Shori. The said persons were nominated as accused in the present case vide DDR dated 02.11.2022. Vishal Singh was arrested who got recovered 03 motor cycles. Akash Singh @ Joga was arrested who also got recovered 03 motor cycles make Splendor. From Kaka Shori and Lovepal Singh one motor cycle each make Splendor was recovered.

During the course of further investigation one Nishan Singh and Kaku @ Kuku came to be nominated as accused vide DDR No.12 dated 03.11.2022.

Subsequently, the offence under Section 489 and 34 IPC was enhanced. The verification of the ownership of the motor cycles was done from the concerned authorities. After completion of the investigation in the present case, report under Section 173(2) Cr.PC came to be submitted against the petitioner and his co-accused Ramandeep Singh @ Raman.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery of the motorcycles had been foisted upon him. In fact no person had ever moved a complaint regarding theft of his motor cycle. Therefore the entire case had been planted on the accused. As the petitioner was in custody since 31.10.2022 and none of the 10 prosecution witnesses had been examined so far, he was entitled to the concession of bail more so when he had clean antecedents with no other case registered against him and his co-accused Ramandeep Singh @ Raman had been granted the similar concession.

4. The Counsel for the State on the other hand contends that the petitioner was duly named in the secret information pursuant to which he came to be arrested. After his arrest multiple motorcycles came to be recovered from him and his co-accused. Therefore, the offence was well established. He therefore, contends that the petitioner was not entitled to the concession of bail. She however, concedes that the petitioner is a first time offender, in custody since 31.10.2022 and one of the 10 prosecution witnesses had been examined so far.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 31.10.2022 and none of the 10 prosecution witnesses have been examined so far. Therefore, the Trial of the present is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not warranted, moreso when his co-accused Ramandeep Singh @ Raman has been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present

petition is allowed and the petitioner-**Chamkaur Singh** son of Sh. Hardeep Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

November 02, 2023  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |