

**CRM-M-29800-2024 &
CRM-M-33099-2024**

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207(2 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-29800-2024
Date of Decision : 14.11.2024**

JAJJ SINGHPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CRM-M-33099-2024

GURCHET SINGH ALIAS SUCHET SINGHPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Charanjit Sharma, Advocate,
for the petitioner(s) in CRM-M-29800-2024

Mr. A.P.Kaushal, Advocate,
for the petitioner in CRM-M-33099-2024

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Since both the petitions are arising out of a common FIR, therefore, being amenable for a common decision, same are being taken up together.

2. On 13.06.2024, a co-ordinate bench of this Court had passed the hereinafter extracted order, upon the instant petition (i.e. CRM-M-29800-2024):-

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“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No.45 dated 26.04.2024 under Sections 379-B and 34 of Indian Penal Code registered at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR on the basis of disclosure statement of co-accused, namely, Gagandeep Singh and has clean antecedents. He further submits that custodial interrogation of the petitioner is not required as he has nothing to do with alleged crime.

Notice of motion.

At this stage, Mr. Amit Goyal, Addl.A.G.Punjab accepts notice on behalf of the respondent-State and has opposed the application on the ground that the recoveries are to be made from the petitioner, hence his custody is required.

Adjourned to 12.08.2024.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. In the similar fashion vide order dated 15.07.2024, petitioner-Gurchet Singh alias Suchet Singh, was also granted a similar relief, in CRM-M-33099-2024:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.45 dated 26.04.2024, under Sections 379-B/34 of the IPC, registered at P.S. Maqboolpura, District Police Commissionerate Amritsar.

2. The learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR on the basis of disclosure statement of co-accused. He further submits that custodial interrogation of the petitioner is not required as he has nothing to do with alleged crime.

3. Drawing attention of this Court towards Annexure P-3, wherein becomes enclosed an order dated 13.06.2024 drawn upon CRMM-29800-2024, thus granting interim anticipatory bail to petitioner's coaccused-Jajj Singh, the learned counsel for the petitioner submits that, since the petitioner is on a co-equal pedestal as his co-accused, therefore, he also deserve an alike relief.

4. Notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner, on the ground that, recoveries are to be made from the petitioner, hence his custody is required.

6. List on 12.08.2024 along with CRM-M-29800-2024.

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7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

4. Thereafter, vide orders dated 12.08.2024, both the petitioners were again directed to join investigation, with investigating officer concerned.

5. At the very outset, learned State counsel, on instructions imparted to him by the police official concerned, submits that though the petitioners have joined investigation in compliance to the directions (*supra*), however, they have not fully co-operated with the investigating officer, as they have not got effected the recovery of looted articles.

6. He further submits that in the instant incident two cars were involved, and mobile phone, gold chain and Rs.10,000/-, which are yet to be recovered from the petitioners.

7. He further submits that co-accused Gagandeep Singh, was arrested and from his disclosure statement, it was revealed to the investigating officer concerned, that the entire looted articles as well as two cars involved in the instant crime, are with the present petitioners.

8. On confronted with the submissions made by the learned State counsel, learned counsel for the petitioners, draws attention of this Court towards the contents of the FIR, to submit that the initial the version of the prosecution was that the four persons were involved in snatching, and there was only one car which was used in the alleged offence. Whereas, on the very next day, a supplementary statement was

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recorded, wherein the entire allegations were changed, and they came up with a story that there were five persons involved in commission of the alleged offence, and two cars were used in the instant case.

9. They further submit that co-accused-Gagandeep Singh and Davinder Singh alias Bhullar, have been arrested, by the investigating officer concerned, but no attempt was made to make any recovery from them, rather conveniently a disclosure statement was written that all the articles are lying with the present petitioners, with the sole motive to deprive the present petitioners, to get the relief of anticipatory bail on account of non-effecting, the recovery of looted articles.

10. They also submit that till date except the disclosure statement, there is nothing with the prosecution agency, to connect the petitioners with the present crime. The petitioners cannot be subjected to self implicate themselves by making recovery of the money and other articles. The probative value of the disclosure statement is yet to be examined by the learned trial court concerned.

11. Be that as it may, this Court finds merit in the submissions, as made by learned counsel for the petitioners. Therefore, the instant petitions are **allowed**, and the hereinabove extracted interim orders dated 13.06.2024 and 15.07.2024, are hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

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- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”
12. These orders should not be treated as “blanket” orders. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
13. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
14. All pending application(s), if any, also stand **disposed** of accordingly.
15. A photocopy of this order be placed on the file of the connected case.

November 14, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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