



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210 CRM-M-34626-2024(O&M)
Date of Decision: 31.08.2024

SUKHCHAIN SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Anurag Arora, Advocate for the petitioner.
(through video conferencing mode)

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
42	08.04.2024	P.S. Goraya District Jalandhar Rural	379-B(2) of IPC (Section 411 of IPC added and Section 379-B deleted and Section 392 of IPC added

2. Vide order dated 31.07.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order
dated 31.07.2024 is reproduced as under:-

*“Prayer in the present petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR
No.42 dated 08.04.2024 under Sections 379-B(2) of IPC vide
DDR No.9 dated 15.04.2024, Section 411 of IPC added and*



vide DDR No.20 dated 15.04.2024, Section 379-B was deleted and Section 392 of IPC was added and vide DDR No.22 dated 19.04.2024, Section 201 of IPC was added, registered at Police Station Goraya, District Jalandhar Rural.

The FIR in question has been registered on the basis of a statement recorded by the complainant-Paramjeet Ram on 08.04.2024 alleging that he was the driver of the Canter vehicle bearing No.PB-08-AX6616 Make TATA. On 07.04.2024 at night, cattle skin loaded in the Canter was unloaded and thereafter while he was going towards Kamalpur Gate Service Lane from G.T. Road Goraya for having his meals at a Dhaba after parking his vehicle, three persons reached there on the motor-cycle, one of them was having his face muffled. They forcibly snatched his mobile phone, purse containing cash amount of Rs.1900/- as well as Tata vehicle by making him alight from the vehicle. On the basis of a statement and after registration of the FIR, investigation proceedings were initiated. The coaccused Kulbir Singh was arrested on 15.04.2024 on the basis of a secret information. On interrogation, he suffered a disclosure statement admitting his involvement in the subject crime and also that the snatched vehicle was sold by him to some other person. On the basis of his disclosure statement, the present petitioner and other co-accused Harmeet Singh, Ranjit Singh and Jagjeet Singh were also nominated as an accused. It was also disclosed that the snatched vehicle was sold to co-accused Jagjeet Singh and they all were arrested on 15.04.2023 and recovery of the different parts of the vehicle was effected at the instance of the co-accused. The investigation is still under way and apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions



Judge, Jalandhar, which had been dismissed vide order dated 01.05.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the case on the basis of alleged statement of the co-accused. He was neither named in the FIR nor there is any allegation that any part of the snatched vehicle had been kept by him in custody. The different parts of the snatched vehicle have already been recovered from the co-accused. No recovery is to be effected from the petitioner and he is ready and willing to join the investigation as and when called upon to do so by the Investigating Officer.

As per the allegations in the complaint, only three persons had snatched the vehicle and other belongings of the complainant whereas three more persons have been nominated as the accused later on. No purpose would be served by detaining the petitioner behind the bars. Therefore, it is argued that the petitioner deserves the concession of anticipatory bail.

Status report has been filed by learned State counsel, which is taken on record and as per the report, Section 411 of IPC has been added during the course of investigation. Learned State counsel submits that the allegations against the petitioner are serious in nature and he does not deserve the concession of bail.

Adjourned to 31.08.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”



3. Learned State counsel filed status report dated 30.07.2024. The same is taken on record. He further, on instructions from the investigating officer states that the petitioner has joined the investigation on 09.08.2024. It is also stated that snatched vehicle was sold to co-accused and recovery of the different parts of the vehicle was effected at the instance of the co-accused. The petitioner was neither named in the FIR nor there is any allegation of keeping in his possession any parts of the snatched vehicle. No recovery has been effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 31.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |