



CRM-M-40865-2024

-1-

230 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40865-2024
Date of decision: 29th August, 2024

Sukhdeep Singh
Versus
State of Punjab
...Petitioner
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. PKS Phoolka, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
78	01.07.2024	Kotwali, Bathinda, District Bathinda	379, 411, 465, 467, 468, 458, 471, 473, 201 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Manbir Singh about the theft of his car bearing registration No. PB03-BJ-0315 make Honda City on 28.06.2024, while it was lying parked outside the gate of Max Hospital, Bathinda. After registration of FIR under Section 379 of IPC, investigation proceedings were initiated. During investigation, the petitioner was apprehended along with



co-accused. The stolen car was recovered from them. A fake number plate was affixed by the petitioner on the stolen car and another fake number plate was found inside the vehicle, both of which were taken into custody along with the recovered vehicle. The petitioner was formally arrested on 02.07.2024. Offences under Sections 411, 465, 467, 468, 458, 471, 473, 201 of IPC were added. Investigation has since been completed and challan has been presented before the concerned Court. The petitioner had moved an application for grant of regular bail which was dismissed by learned Additional Sessions Judge, Bathinda vide order dated 06.08.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 02.07.2024. No recovery remains to be effected from him. The trial is likely to take time. He has permanent abode. There are no chances of his absconding. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter submits that there are serious allegations against the petitioner. There are chances of his absconding or committing similar offences, if extended benefit of bail and therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have retained the car belonging to



the complainant while knowing or believing the same to be stolen property and the same had been recovered from him as well as co-accused on 02.07.2024. As per the allegations, fake number plate was affixed on the stolen vehicle and one fake number plate was also recovered from their custody. It is a debatable question as to whether the offences under Sections 465, 467, 458, 468, 471 and 473 of IPC are attracted at all? Investigation has since been completed. Trial is likely to take time. Further detention of the petitioner would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. There is no basis for the contention that the petitioner may abscond or may commit similar offence. He does not have any criminal antecedents. As such, in my considered opinion, the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th August, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |