

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-62582-2023

Date of Decision:- 07.03.2024

Roban Singh @ Gorroban Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Atamjit S. Thind, Advocate and
Mr. Kundan Deep, Advocate for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab
assisted by SI Dharminder Singh.

KULDEEP TIWARI, J. (Oral)

1 Through the instant petition filed under Section 438 Cr.P.C.,
the prayer is made for grant of anticipatory bail to the petitioner in case
FIR No.84 dated 10.11.2023, under Sections 379-B, 451, 506 and 34 IPC,
registered at Police Station Ghanie Ke Bangar, Batala, District
Gurdaspur.

2 On 13.12.2023, the following order was passed:-

*“Petitioner who claims himself to be a financier and is running a
finance company under the name and style of M/s Baba Deep
Singh Finance Company, which is registered with the Registrar of
Firms, Punjab, has approached this Court, having apprehension of
pre-arrest bail in FIR No.84 dated 10.11.2023, under Sections 379-
B, 451, 506 and 34 IPC, registered at Police Station Ghanie Ke
Bangar, Batala, District Gurdaspur.*

*The allegations against the present petitioner are that the
petitioner has snatched the motorcycle of the complainant, which
in fact was financed by the abovesaid company of the petitioner,
and because the complainant could not pay the finance which was*

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provided by the petitioner company for the motorcycle, which was recovered by the petitioner.

Though, the manner in which the motorcycle was recovered by the finance company was not in accordance with the law, therefore, learned counsel for the petitioner submits that the petitioner is ready and willing to surrender the motorcycle before the Investigating Officer and thereupon, they will take up the recovery of the balanced loan amount through proper channel.

Notice of motion for 18.01.2024.

Ms. Kanica Sachdeva, AAG, Punjab, waives service of notice on behalf of the respondent-State of Punjab.

The petitioner is directed to join the investigation within 15 days from today and also directed the petitioner to hand over the possession of the motorcycle in question to the Investigating Officer. In case the petitioner joins the investigation and hand overs the motorcycle to the Investigating Officer, thereupon, the complainant can claim the custody of the motorcycle by making appropriate application before the learned trial Court concerned.

In the meanwhile, the arrest of the petitioner shall remain stayed.”

3 Thereafter, on subsequent date of hearing, learned State counsel informed this Court that though the petitioner has joined the investigation, but is not disclosing the name of other co-accused, who along with the present petitioner was present at the time of snatching the motorcycle. This Court had directed the petitioner to rejoin the investigation, and also directed the Investigating Officer to furnish the questions to the petitioner which the petitioner is required to be answered.

4 Today, a short reply by way of affidavit of Khushbir Kaur, PPS, Deputy Superintendent of Police, Sub Divison Fatehgarh Churian, Police District Batala filed before this Court, and the same is taken on record. The Paragraph 6 of the short reply shows that the petitioner was put to specific questions in which, in number of cases, he was evasive

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and in order to protect his co-accused, he tried to portrayed them as a passerby, whereas, in the FIR, there are specific allegations that petitioner along with two unknown persons had snatched the motorcycle, and they are also clearly seen in the CCTV footage.

5 In view of the above, the petitioner, who is not cooperating the investigation process, and moreover, under the protection granted by this Court, is scuttling the ongoing investigation, this Court is not inclined to grant the asked for relief of pre-arrest bail to the petitioner, therefore, the instant petition is ordered to be **dismissed**.

March 07, 2024

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**(KULDEEP TIWARI)
JUDGE**

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