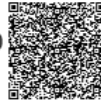


2025.PHHC:030090



101

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

**CRM-M-12048-2025
DECIDED ON: 04.03.2025**

MAHNA @ MITA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.375, dated 28.12.2020, under Sections 379, 411 of IPC, 1860, registered at Police Station Lopoke, District Amritsar Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"Station House Officer, Police Station Lopoke, District Amritsar Rural. Sat Sri Akal. Today, I ASI along with CT Sandeep Singh 16, CT Manjinder Singh 1211, PHG Baljeet Singh 3183 were going on private vehicles on patrolling duty in search of bad elements and were present on Adda Lopoke when the informer came and informed that accused Mangal• Masih @ Manga son of Saba Masih resident of Bhindi Saidan and Mahna son of Janga,

caste Rai Sikh, resident of Ballaharwal are selling the motorcycles in town after steeling and one motorcycle have been stolen by them and they are going on the said stolen motorcycle Splender without number from village Bhindi Saidan to Lopoke side. The informer seems to be reliable and I ASI with the help of my team members put Naka near village Bheelowal and started checking and after sometime two clean shaven persons were seen coming on black splender motorcycle from Bhindi Saidan side and signal was given to stop. The persons sitting on the pillion of the motorcycle ran away and the driver of the motorcycle was apprehended by me with the help of team members and on enquiry he disclosed his name as Mangal Masih @ Manga son of Saba Masih, resident of Bhindi Saidan and on further enquiry, he told the person sitting on the pillion was Mahna son of Nanga, caste Rai Sikh, resident of Ballaharwal. He could not produce the documents of motorcycle and told that it has been stolen from the Bus Stand of Chogama and were going to Amritsar to sell it. On the basis of it, the offence falls under Section 379/411 IPC. Ruga is being sent through PHG Baljeet Singh 3183 to Police Station for registration of the case and number of the case be informed after registering the same. I ASI along with other is busy in investigation on the spot. Sd/- Jasbir Singh”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based solely on the disclosure statement made by the co-accused, who was apprehended by the police. The counsel further submits that the stolen motorcycle was recovered from the possession of the co-accused, Mangal Masih, and that the petitioner was merely a pillion rider on the said motorcycle.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for the dismissal of the present petition, contending that the motorcycle on which the petitioner was a pillion rider has been found to be stolen and both the accused failed to produce the ownership documents for the said vehicle.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner was nominated merely on the basis of disclosure statement of co-accused Mangal Mashi and his false implication cannot be ruled out *prima facie* at this stage since there is no communication has been brought on record between the main accused as well as the petitioner added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Relief

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the

terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

04.03.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>