



CRM-M-35632-2025

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

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CRM-M-35632-2025

Date of decision: 10th July, 2025

Sukhbir Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.P.S Singh Rehan, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 53 dated 17.05.2025 registered under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 317(2) of BNS added later on) at Police Station Sadar Pathankot, District Pathankot.

2. As per the allegations, on the night of 03.05.2023, the complainant Pawan Kumar had parked his truck bearing registration No. PB-02-AU-9535 on the service lane of the road in front of his house. In the next morning, the same was found to be missing. On his complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated. During investigation, it was found that accused Gurbhej Singh, Mohpreet Singh and Sukhbir Singh committed theft of the truck in



connivance with each other. Accused Mohpreet Singh was arrested on 03.06.2025. He suffered disclosure statement admitting his involvement and also took the names of co-accused Gurbhej Singh and Sudam. He also disclosed that the stolen truck had been sold by them to Sukhbir Singh for sale consideration amount of Rs. 3,80,000/-. Gurbhej Singh was also arrested on 03.06.2025. The custody of the truck was taken. Investigation is underway. Apprehending his arrest, petitioner moved an application for grant of pre-arrest bail before the learned Sessions Judge, Pathankot which was dismissed vide order dated 04.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The recovery of the stolen truck has already been effected, as per the information provided by him. The co-accused were also arrested on the basis of the information provided by him. He has no criminal antecedents. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He is merely a transporter and while selling the truck in question, the co-accused did not disclose the fact that it was a stolen truck. Therefore, it is urged that the petitioner deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned State counsel has advance notice and is ready to argue the matter. It is submitted by her that the petitioner had retained the custody of the truck in question despite knowing that it was a stolen property. He did not bother to take the registration certification of the vehicle in question from the co-accused, which shows his intention. No exceptional or extraordinary circumstance for grant of pre-arrest bail is made out in favour of the



petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have purchased a stolen truck from the co-accused without verifying that it was so. If his intentions were not *malafide*, then he must have procured the registration certificate of the vehicle in question from the co-accused to know the genuineness of the ownership. However, he is not shown to have done so. It is well settled proposition of law that the powers for grant of anticipatory bail are to be exercised in exceptional and sparing circumstances. However, in the instant case no such circumstance has been made out. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. Accordingly, I see no reason to allow the present petition and hence, the same is dismissed.

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

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th July, 2025

Parveen Sharma

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