



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CRM-M-17673-2025
Date of decision: 01.04.2025

Sarbjeeet Singh @ Sarabjeet SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Narula, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0119 dated 04.09.2024 under Sections 310(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023), and Sections 25, 27 of the Arms Act, 1959 (Sections 111, 303(2), 238 of the BNS, 2023 added lateron) registered at Police Station Chattiwind, District Amritsar Rural.

2. Learned counsel for the petitioner submits that as per allegations levelled in the FIR about 20-25 persons, all armed with weapons, committed dacoity in the in the wee hours of 04.09.2024 at the cold storage of the complainant; thereafter stole the articles in the cold storage after threatening the guards at the cold storage and fled away from the spot. Learned counsel contends that the petitioner was not named in the FIR in question and it was only subsequently in a disclosure statement allegedly suffered by one of the co-accused Thana



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Singh @ Pappu who too had been nominated as an accused in the disclosure statement of main accused Ravinder Singh @ Raj, the petitioner was nominated as an accused in the present case. Learned counsel, therefore, contends that since evidentiary value of the disclosure statement is of a weak nature, the petitioner deserves to be extended the concession of anticipatory bail.

3. Notice of motion.

4. On asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the prayer made by the counsel opposite and submitted that the petitioner has earlier also been involved in a case under Section 379 of the IPC. The petitioner was on bail in the said case when he yet again participated in the present crime. A prayer has been made for dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated to unearth the entire gang of dacoits.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Before proceeding further, it would be necessary to reproduce the contents of the FIR which read as under:-

“Statement of Sukhdev Singh son of Nirmal Singh, resident of Kothi No.2, Roop Nagar, Gate Hakima, Amritsar aged 55 years, Mobile No. 94635-71101 stated that I am the resident of the said address and we have a cold storage in the name of A.K. and our cold storage is constructed in Village Ibban Kalan and our cold storage is in the name of my wife Parveen Kaur, sister-in-law Sukhdeep Kaur and Meena Arora wife of Happy Arora. In our cold storage different businessmen take spaces on lease and store dry fruit, kiriyana, pansari and other articles. There remains



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some labour and chowkidar in the night at our cold storage. Today on dated 04.09.2024 at 4:37 AM i.e. early in the morning my contractor informed me on the telephone that in the middle of the night between 1:30 AM and 4:30 AM, 20-25 unknown persons armed with weapons, after putting us in fear, locked us in a room and after breaking the locks inside as well as outside have stolen the articles from the cold storage and have taken away by loading them. On this I immediately reached at our cold storage at Ibban Kalan and I found that 51 sacks of black pepper each containing 30-30 Kgs, sacks of black gram each containing 30 Kgs, cashew nuts 180 boxes, each containing 20 Kgs cashew nuts, Tulsi brand cashew nuts 42 boxes each containing 20 Kgs cashew nuts, 62 boxes of fig of Aman brand each containing 10 Kgs, dried plum 15 boxes each containing 16 Kgs, 49 boxes of raisins each containing 10 Kgs, DVR etc have been taken by some unknown armed persons. All the article belongs to Wareface Trading Company, KBB Pvt. Ltd, MLS Nuts Pvt. Ltd, Shri Raj International, Tarn Overseas Traders, Happy Enterprises, Shakti SMR International NEK Overseas, Rattan Chand Krishan Chand and some other firms. In case there are some other articles missing then we will cross check the records and will inform. That I was coming to inform you, along with my partner Happy Arora, when you met us. Kindly take strict action against the unknown persons and our articles be got recovered. Statements have been given, read over and it is correct. Sd/-."

8. *Prima facie*, the petitioner's involvement needs to be unravelled in the crime in question and which can be done only if he is subjected to custodial interrogation. This Court can also not loose sight of the fact that the petitioner was already facing trial in one criminal case when he has yet again participated in the present occurrence. Therefore, *prima facie*, it is evident that he has misused the concession of bail granted to him in the earlier case.

9. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed



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accordingly.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.04.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No