

**IN THE COURT OF SANJEEV KUNDI,
ADDITIONAL SESSIONS JUDGE, MOGA.
(UID NO. PB0246)**

BA CIS No.1989 of 2023

CNR No. PBMO010052462023

Date of Order: 12.09.2023

State

Versus

Gursewak Singh @ Sewak, aged about 39 years, son of Jagjit Singh,
resident of Patti Dhillon, Village Buttar Kalan, Tehsil and District
Moga.

..... Accused Person

FIR No. 69 dated 14.05.2023

**Under Section 401, 379, 411, 420, 465, 467, 468,
471, 473 and 120-B of IPC**

PS Kot Ise Khan

District Moga

~~~

Application under Section 439 CrPC for grant  
of regular bail.

~~~~

Present:

Sh. Kulwinder Singh Advocate, counsel for the accused/ applicant,
namely Gursewak Singh @ Sewak son of Jagjit Singh
Sh. Anshuman Syal, Additional PP for the State

ORDER

This order of mine shall dispose of 2nd application for bail
under Section 439 of CrPC filed by the accused/ applicant, in the
above-mentioned case FIR.

2. Notice of the application for bail was issued to the State
and record was requisitioned.

3. In brief, the facts as emanate from the Police report are as
under :-

that on 14.05.2023, police party headed by ASI Kewal Singh was on routine patrolling and checking in the area of PS Kot Ise Khan, when near the bus stand, Lohara, ASI Kewal Singh received a secret information that Jasjit Singh alias Bhalla son of Jasvir Singh, Gursewak Singh @ Sewak son of Jagjit Singh, Kewal Singh son of Mukhtiar Singh, Shivcharan Dass son of Milagar Ram and Gursewak Singh @ Guri son of Harnek Singh were members of a gang involved in fetching stolen cars from other States and to sell the same by forging documents of ownership in the State of Punjab by affixing fake number plates and on that day itself, they were returning in a vehicle/ four wheeler make Kia Seltos with Temp No. TO323 CH4371A towards Kot Ise Khan from car Bazaar, Moga and if apprehended, a number of stolen cars with fake registration certificates could be recovered from their possession. Thereby, the present case FIR was registered. Investigation was carried out. Barricading was laid as per information received and the accused persons, named above, were apprehended and different stolen cars were recovered. During the investigation, accused, namely Gursewak Singh alias Sewak suffered a disclosure statement under Section 27 of Indian Evidence Act, admitting therein that accused Jasjit Singh alias Bhalla and Shiv Charandass were members of a gang involved in fetching stolen cars from Delhi and to sell the same with fake registration numbers and he had also purchased Maruti Suzuki Ertiga of dark grey colour with number DL-12CQ-5947, Toyota Innova Cryista of dark grey colour with number PB-67A-0555 and Hyundai Creta of white colour with number DL-6CT-8200 from them and he had further sold Toyota Innova Cresta to Ritesh Gupta son of Ashok

Kumar and had promised him to hand over the documents and the remaining two vehicles, mentioned above, were parked at his home and he wanted to sell the same, but he was not possessing any document of the same. Thereby, the above said three cars were got recovered by accused namely Gursewak Singh @ Sewak son of Jagjit Singh.

4. I have heard the arguments addressed by both the parties.

5. Learned counsel for the accused/ applicant argued that he has been falsely implicated in this case just to harass and humiliate him and to extort money and the accused/ applicant has got no concern with the alleged offence. He further argued that the recovery, as alleged, has already stood affected and hence, further custody of the accused/ applicant is not required for any purpose and no useful purpose is going to be served by detaining him behind the bars for an unlimited period. Thereby, he prayed for allowing the present application for bail.

6. On the other hand, the Additional PP for the State argued that in total, 22 stolen expensive cars with fake or without registration certificates have been recovered in the matter in hand, out of which, three stolen cars were recovered upon the disclosure statement suffered by the accused/applicant. He further argued that keeping in view the seriousness and gravity of the offence, applicant/ accused is not entitled to grant of concession of bail. On these submissions, he prayed for dismissal of instant application for bail.

7. I have considered the submissions of counsel for the accused/ applicant as well as Additional PP for the State and have perused the record.

8. Thus, the overt act attributed to the accused/ applicant is that he is member of a gang running the racket of selling stolen cars with fake registration certificates and fake number plates and in total, 22 such stolen cars have been recovered in the matter in hand, out of which, 3 have been recovered upon the disclosure statement suffered by the accused/ applicant, namely Gursewak Singh @ Sewak son of Jagjit Singh only. Thereby, the allegations are serious in nature.

9. As such, considering the facts of the case, gravity of the offence and serious nature of the accusation, there is all likelihood of applicant/ accused fleeing justice. Thus, it is not a fit case for exercising discretion for grant of concession of bail.

10. Then, the matter is at the initial stage, and there is reasonable apprehension that the accused/ applicant, namely Gursewak Singh may misuse the grant of concession of bail and may endeavour to influence, induce, threat or promise, directly or indirectly, to any person acquainted with the facts of the case, so as to dissuade him from disclosing real facts to the Court and thereby, may interfere in the fair process of the Court of law.

11. Thereby, no reasonable ground is believed to have been made out for grant of concession of bail to the accused/ applicant and application for bail moved on his behalf is dismissed.

12. Needless to mention that anything discussed herein above shall have no bearing, whatsoever, upon the merits of the case and the observations recorded herein above, if any, are solely for the purpose of disposal of the application in hand.

13. Record of the trial court is ordered to be returned along

with copy of this order

14 Record of this bail application is ordered to be consigned
to the record room.

Pronounced in open court
Dated 12.09.2023

(Sanjeev Kundi)
Additional Sessions Judge,
Moga
UID No. PB-0246

Sanjeev Kumar, Stenographer