

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

CRM-M-10310-2015

Date of decision : 31.03.2015

Ajit Singh alias Ajit Paul

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Sukhpreet Kaur, Advocate for petitioner.

DARSHAN SINGH, J.

Present petition has been filed by petitioner Ajit Singh alias Ajit Paul for grant of anticipatory bail in case FIR No.327 dated 22.11.2013 under Section 381 of Indian Penal Code (in short 'IPC'), Police Station Nakodar, Distt. Jalandhar.

As per the prosecution allegations, complainant Smt.Darshana Devi wife of late Surender Singh was having three trucks. The present petitioner was employed as a driver by her on truck bearing registration No.PB-12-M-9245. The petitioner used to park the truck at Truck Union, Nakodar in the night. On 09.11.2013, petitioner came to the house of the complainant and told that he had taken the truck to his village at the night and said truck has been stolen away. He has not given any satisfactory reply. On the basis of statement of Smt. Darshana Devi,

this case was registered. His application for grant of anticipatory bail has been dismissed by the learned Additional Sessions Judge, Jalandhar. Hence, this petition before this Court.

I have heard the learned counsel for the petitioner.

Initiating the arguments, learned counsel for the petitioner contended that there is delay of 13 days in lodging the FIR. The petitioner had immediately informed the complainant about the theft of the truck. She further contended that Surender Singh, the husband of the complainant, has died who had employed the petitioner. The petitioner had no reason to commit the theft of truck. If he would have done so, he would not have contacted the complainant. She further contended that the petitioner has already moved to the higher police authorities against his false implication and is ready to join the investigation.

The aforesaid contentions raised by learned counsel for the petitioner have been duly considered.

It is the settled principle of law that the anticipatory bail is an extra ordinary privilege, which can only be granted in exceptional cases. In the instant case, it has been categorically mentioned that generally petitioner used to park the truck at night at Truck Union, Nakodar but on the date of occurrence, he had taken the truck to his village. It is further categorically mentioned in the statement of complainant that petitioner could not give any satisfactory reply and the complainant was sure that the truck has been stolen by the present petitioner.

The recovery of the truck has not been effected so far, for

which, the custodial interrogation of the petitioner may be required. It is settled principle of law that it is not desirable to grant the concession of the anticipatory bail where the custodial interrogation is required, as it hampers the due investigation of the case.

Thus, keeping in view my aforesaid discussion the petitioner has not been able to make out the exceptional case in order to claim the extra ordinary privilege of the anticipatory bail. Consequently, the present petition has no merits and the same is hereby dismissed.

31.03.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**