

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

**Criminal Misc.No.M-10412 of 2014
Date of Decision: January 09, 2015**

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms.Satinder Kaur, Advocate,
for the petitioner.

Mr.R.S.Randhawa, Addl.AG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, Amarjit Singh, who has been booked for having committed the offences punishable under Sections 120-B, 406 and 420, IPC, in a case arising out of FIR No.115, dated 30.12.2013, registered at Police Station, Lambra, District Jalandhar City.

Learned counsel contends that the petitioner has joined the investigation but nothing incriminating has emerged against him on record. As per prosecution version, the petitioner was intending to purchase tractor bearing registration No.PB-8CB-4454 from complainant Sukhwinder Singh @ Sukha and for that purpose, he along with Pritam Singh

and Kala Singh met the complainant. At asking of Pritam Singh, the complainant handed over the keys to Kala Singh and thereafter, went to the house of Sarpanch to get the certificate from the Sarpanch that Sukhwinder Singh @ Sukha was the real owner of the said tractor. When the complainant came back at the spot then neither the tractor nor the petitioner and other accused were present at the spot. She further contends that concededly, the keys were handed over to Kala Singh by the complainant and if Kala Singh and Pritam Singh had taken away the said tractor, in that eventuality, the petitioner cannot be booked for the offences punishable under Sections 406 and 420, IPC.

Learned counsel for the State, on instructions from ASI Manjit Singh, Police Station, Economic Offences Wing, Jalandhar, very fairly concedes that the petitioner had joined the investigation several times however, he did not disclose the credentials of the person to whom the tractor in question was sold by him. Learned counsel for the State further contends that during investigation, the petitioner confessed his guilt and disclosed to the police that tractor in question was sold by him to one Raj Kumar at Madhya Pradesh but his address was not disclosed. However, he fairly concedes that in the last lines of his complaint presented before the police, the complainant had

mentioned that the keys were handed over to Pritam Singh. He further concedes that except the statement of the complainant and the confession suffered by the petitioner, there is no other evidence to connect him with the alleged offences.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the keys of the tractor were handed over to Pritam Singh or Kala Singh and not to the petitioner. There is no direct evidence that the petitioner in connivance with his co-accused misappropriated the said tractor. He has joined the investigation several times and except his confessional statement, there is no incriminating material to connect him with the alleged offences.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed and the interim directions issued by this Court vide order dated 23.04.2014 are made absolute.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions as laid down under Section 438(2), Cr.P.C.

January 09, 2015
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(Naresh Kumar Sanghi)
Judge