

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.3398 of 2015
and
Criminal Misc. No.M-1203 of 2015

.....

Date of decision:2.2.2015

Bhagwan Dass

...Petitioner

v.

State of Haryana

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Sahu, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

Cr. Misc. No.3398 of 2015:

For the averments made in the criminal miscellaneous application, the copy of registration certificate (Annexure-A.1) and order dated 31.10.2014 (Annexure-A.2) vide which the truck bearing registration No.RJ-19-IG-0031 was ordered to put on auction to recover the amount of award, are taken on record subject to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-1203 of 2015:

The petitioner has filed this petition under Section 438

Cr.P.C. for the grant of anticipatory bail in case FIR No.675 dated

17.10.2014 registered for the offences under Sections 206, 406 and 34 IPC at Police Station City Fatehabad, District Fatehabad.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the prosecution version, vehicle bearing registration No.RJ-19-IG-0031 owned by Bhagwan Dass Judgment Debtor and driven by Kalu Ram on 20.12.2012 caused the accident, which resulted in the untimely death of Vinod Kumar. Smt. Sudesh and others being his legal heirs filed petition under Section 166 of the Motor Vehicles Act, 1988 for claiming compensation for his death against Kalu Ram alias Kala and Bhagwan Dass and award was passed. When during the execution, order of attachment was issued, then a report was received that the above vehicle had already been sold by Bhagwan Dass, Judgment Debtor. After the receipt of that report, he along with the surety were put on notice.

As per the FIR itself, the vehicle had been sold to Jodha Ram on 4.5.2006 and there was an undertaking of Bhagwan Dass, Judgment debtor not to dispose of the above mentioned vehicle.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing

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any opinion on the merits of the case, I find it a fit case where the anticipatory bail is liable to be granted to the petitioner. The petitioner is not required for interrogation purpose. Nothing is to be recovered from him. The petitioner is stated to be 92 years of age and bed ridden person.

In the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 2, 2015.

(Inderjit Singh)
Judge

hsp