

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34742 of 2015

.....

Date of decision:9.10.2015

Anil Kumar

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jangvir Singh Hooda, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.167 dated 28.3.2015 registered for the offences under Sections 379 and 188 IPC at Police Station Sadar Palwal, District Palwal.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the FIR in the present case has been registered by ASI Chhaju. As per the FIR, ASI Chhaju along with other Police officials were present at KMP Road for patrolling purpose near Toll area Kanjarpur, then they saw one Dumper (Truck) coming from Highway towards Toll. On its coming near, the ASI asked the driver to stop the vehicle, then the unknown driver stopped the truck suddenly and succeeded

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in running away down in the fields. The number of the vehicle on seeing was found as HR-38-N-6125 and it was carrying prohibited Yamuna sand and violated the Government orders. The FIR for the offences under Sections 379 and 188 IPC were found to be committed. The present petitioner is the owner of the Dumper (truck). The order passed by the learned Sessions Judge, Palwal also shows that there is also another FIR against the present petitioner bearing FIR No.55 of 2015 registered for the offences under Sections 307, 188 and 379 IPC at Police Station Sadar, Palwal.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner is indulging in the illegal mining and committing the theft of Yamuna sand etc., it cannot be held that there is no role of the petitioner in the present case. The petitioner is required for custodial interrogation, therefore, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

October 9, 2015.

(Inderjit Singh)
Judge

hsp