

104

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-38007 of 2015****Date of decision: November 05, 2015**

Pardeep Tyagi @ Gullu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA**Present:** Mr. Sukesh K. Jindal, Advocate
for the petitioner.**SABINA, J**

Petitioner has filed this petition under Section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.296 dated 18.07.2015, under Sections 392 and 34 of Indian Penal Code, 1860 ('IPC' for short) (Sections 365, 395, 216-A, 379, 411, 412, 406, 420 and 170 IPC added later on), registered at Police Station Madlauda, District Panipat.

Prosecution story, in brief, is that on 17.07.2015, the complainant was driving truck bearing No.HR-38-M-9015. At about 7:00PM, complainant had loaded twenty five tons of rice from Jagdamba Rice Mill. When the complainant reached near bus stop village Bhalsi, then he was stopped by a marshal vehicle which was having a blue light at its top. Four unknown persons got down from the said vehicle and took the vehicle from the complainant. The said persons also took away the mobile phone and ₹81,100/-. Complainant was forced to sit in the marshal vehicle and was later dropped in District Jhajjar.

Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case. In fact, as per the complainant, four unknown persons had alighted from the vehicle. The said four persons had been arrested. Thereafter, two more persons were arrested who had purchased the truck and the goods loaded in the truck. Petitioner had been falsely involved in this case at a later stage on the basis of disclosure statements suffered by his co-accused.

In the present case, as per the FIR, four unknown persons had alighted from the marshal vehicle and had taken away the truck driven by the complainant. The said persons also took the mobile phone and cash from the complainant. Complainant was later dropped near District Jhajjar after he was made to sit in the marshal vehicle forcibly.

During investigation, it transpired that the truck in question was driven by the petitioner and Mohit after, it was forcibly taken from the complainant. In the facts and circumstances of the present case, petitioner might be required for custodial interrogation.

Hence, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

**(SABINA)
JUDGE**

November 05, 2015
mahavir