

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

CRM-M-43502 of 2014.

Date of Decision: May 08, 2015.

Amarjit Singh and another

....Petitioners.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mr. Bikramjit Aroua, Advocate for the petitioners.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
assisted with Assistant Sub Inspector Narjinder Singh.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioners in case First Information Report No.113 dated 19.06.2014 under Sections 379 and 328 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Zira, District Ferozepur.

2. The allegations are that on 15.06.2014 Harjit Singh-driver of Truck No.PB-02-AV-9987 had parked his truck loaded with 320 bags of Karnoli (Booti) weighing 50 kg. each at Highway Vaishno King Dhaba,

Makhu Road, Zira. On the directions of Khazan Singh, truck owner, the goods were being transported from Mehta Road, Nawan Pind, Amritsar to Harihar, Karnataka. When the complainant was sleeping in the truck, some unknown persons made him inhale some intoxicant drug and committed theft of the loaded truck with all its accessories. On 16.06.2014, the complainant was got admitted in Civil Hospital, Patti by the police. After he gained consciousness, he lodged the complaint. The value of the loaded goods and articles of the truck was said to be Rs.10 lacs.

Apprehending their arrest, Amarjit Singh and Major Singh filed a petition praying for concession of anticipatory bail which was dismissed by Additional Sessions Judge, Ferozepur.

3. Heard the submissions made by Mr. Bikramjit Aroua, learned counsel representing the petitioners and Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, representing the State of Punjab.

4. It was submitted by learned counsel for the petitioners that due to some political vendetta and party faction in the village the petitioners have been falsely indicted in the present case on the basis of disclosure statement of co-accused Ram Dayal. Learned counsel also contended that the story presented by the complainant is highly improbable. In the month of June, when it is so hot, a driver could not be expected to be sleeping in the truck. More so, the First Information Report was got registered by the complainant after a delay of four days which also indicates that a false story was concocted by him.

Submitting that the petitioners have already joined

investigation in pursuance of order of this court dated 19.12.2014 and nothing remains to be recovered from them, learned counsel prayed for the concession of anticipatory bail for them.

5. The petition was strongly opposed by learned Deputy Advocate General for the State of Punjab. She pointed out that in the order dated 19.12.2014, vide which the petitioners were granted interim anticipatory bail, it was recorded that counsel for the petitioners submitted that in case bearing First Information Report No.110 dated 20.06.2014 registered under Section 379/411 I.P.C., the petitioners are on interim anticipatory bail. It was also mentioned in the order that the instant petition be heard alongwith Criminal Misc. No.M-30048 of 2014. However, the said petition i.e. CRM-M-30048-2014 was dismissed for want of appearance of the petitioner.

6. Learned Deputy Advocate General also submitted that till date out of 320 bags of Karnoli (Booti) only 150 bags have been recovered and the remaining 170 bags and the accessories of the truck which were removed from the vehicle are yet to be recovered and for the recovery custodial interrogation of the petitioners is necessary.

7. The allegations against the petitioners are serious. It was mentioned in the First Information Report that the complainant was got admitted in Civil Hospital, Patti by the police. Only after he was discharged and had gained consciousness that he gave the complaint and the First Information Report about the occurrence was registered. It was submitted by learned State counsel that the investigation has revealed that the bags of Karnoli (Booti) were unloaded at the house of the petitioners. The parts of

the truck which were alleged to have been removed from the truck were also in their possession.

Considering the above facts and circumstances and the submissions made and the fact that for the recovery of goods etc. custodial interrogation of the petitioners is necessary, there appears no ground for extending the benefit of anticipatory bail to the petitioners and accordingly the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

May 08, 2015
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