

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

(202)

CRM-M-14709-2016

Decided on: November 07, 2016.

Chander Shekhar @ Ashu

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.P.S. Sidhu, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. A.S. Salar, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Balbir Singh alleging that he is owner of a tanker which was allegedly purchased by M/s Kathpal Transport Company. The said vehicle was allegedly taken away by getting Paramjit Singh driver of the vehicle, abducted.

Learned counsel for the petitioner has contended that Rakesh Kumar who is the father of the petitioner, is the owner and sole proprietor of M/s Kathpal Transport Company and the complainant wants to grab the said vehicle of the father of the petitioner in connivance with driver Paramjit Singh.

Vide order dated 02.05.2016, the petitioner was directed to join investigation while granting interim relief to him.

After hearing learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant, it transpires that the abovesaid vehicle in dispute had been taken into possession by the police during course of investigation. The said vehicle had been produced by the petitioner before the investigation officer. There appears to be prima facie strength in the arguments of the counsel for the petitioner that the driver of the vehicle is being used as a tool for establishing that possession of the

vehicle had been forcibly taken by the petitioner and his father. There appears to be a controversy regarding the person who had been discharging the liability of consideration of the sale price of the vehicle, the vehicle in question being a financed vehicle. Admittedly, the petitioner has been depositing the installments whereas the complainant claims that initially the said amount was being paid by the complainant on behalf of the petitioner as it was registered in the name of company of the petitioner's father.

Be that as it may, the petitioner has joined the investigation. The vehicle is in custody of the police. Application for release of the vehicle on sapurdari had been filed by the petitioner.

Taking into consideration the totality of the circumstances, it does not appear to be a case for effecting any recovery.

The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

Any observation made in this regard will not prejudice the right of the complainant or the petitioner, so far as the ownership of the vehicle involved in the present case is concerned.

(M.M.S. BEDI)
JUDGE

November 07, 2016

harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No