

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

**CRM-M No. 22536 of 2015 (O&M)
Date of Decision: 27.04.2016**

Anoop Yadav and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ramesh Hooda, Advocate
for the petitioners.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by SI Dilbagh Singh.

JASWANT SINGH, J. (ORAL)

Prayer in the present petition under Section 482 of Cr.P.C. On behalf of two accused persons, namely Anoop Yadav and Amarjit alias Bablu (petitioner Nos. 1 and 2 herein, respectively) is for quashing of FIR No. 131 dated 17.02.2015, for offences punishable under Sections 392, 365, 34, 120-B, 412 of the Indian Penal Code, registered at Police Station, Gurgaon Sadar, District Gurgaon (**Annexure P-1**) and all subsequent proceedings arising therefrom.

On the intervening night of 14/15.02.2015, a truck bearing registration No. HR55-H-6946 transporting the consignment goods of M/s. Hero Motocorp Ltd. for delivery across Pan-India, was hijacked by unknown persons and the driver, namely, Vijay Singh, was abandoned in the fields near the national highway after giving beatings. For the said occurrence, aforesaid

FIR No. 131, dated 17.02.2015 was lodged by the Manager of the aforesaid Company. During the course of investigation, the name of five accused persons surfaced and out of which, four accused namely Rakesh, Jaibir, Satyawan and Ajay were arrested and the fifth accused, namely, Dharampal is still absconding. Subsequently, name of two more accused persons, namely, Karambir and Baba Deepak Nath @ Azad Singh were added under the offences under Sections 412/120-B of Indian Penal Code for receiving stolen property.

It transpires that the robbed consignment was sold by some of the aforesaid accused persons to other persons, namely, Sombir, Jatinder, Vinod, Parmod and the present accused/petitioners-Anoop Yadav and Amarjit @ Bablu, who were also arrested and nominated as accused for having purchased/sold the said consignment/stolen property.

It so happened when the lastly stated six accused persons were arrested for dealing with the aforesaid stolen consignment, a separate FIR No. 76, dated 01.04.2015, under Section 412, IPC was lodged at Police Station Bawani Khera, District Bhiwani. Therefore, it is contended that the present two accused/petitioners, namely, Anoop Yadav and Amarjit @ Bablu for the same offence facing trial at two places in two separate FIRs.

Upon notice, learned State Counsel has filed reply, the facts as stated above are not in dispute. It is further submitted that the case property relating to the subsequent FIR No. 76 dated 01.04.2015, was transmitted in the trial conducted at Gurgaon relating to the aforesaid FIR No. 131 dated 17.02.2015 under a judicial order dated 30.05.2015, passed by learned Judicial Magistrate Ist Class, Bhiwani. Even the challan in case FIR No. 131 stands presented and at present all the accused persons are confined at District Jail, Gurgaon.

At the time of hearing, it is agreed that the allegations relating to the subsequent FIR No. 76, dated 01.04.2015, more or less get merged in the

prior FIR, registered at Gurgaon. It is further agreed by learned counsel for the parties that they have no objection, if the trial of the aforesaid two FIRs is consolidated and be tried by one Court at one place, preferably at Gurgaon, where the case property already stands transferred, pursuant to the aforesaid judicial order dated 30.05.2015.

In view of the above, the present petition is disposed of with the direction that the case file relating to subsequent FIR No. 76, dated 01.04.2015, under Section 412, Indian Penal Code lodged at Police Station Bawani Khera, District Bhiwani shall be transferred to the police authorities and Court concerned relating to aforesaid FIR No. 131, dated 17.02.2015 for offences punishable under Sections 392, 365, 34, 120-B, 412 of the Indian Penal Code, registered at Police Station, Gurgaon Sadar, District Gurgaon.

April 27, 2016

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**(JASWANT SINGH)
JUDGE**