

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

CRM-M No. 6953 of 2016(O&M)

Date of decision : 20.10.2016

Yogesh Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms.Harsimrat Rai, AAG, Punjab.

Mr.A.K.Jaiswal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No. 106 dated 27.08.2015, under Sections 379, 411, 120-B IPC, registered at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has nothing to do with the transport company i.e. KB Roadlines engaged by the complainant Ambuja Cement Company. The truck in question was loaded with 500 bags destined to reach Hisar whereas due to some mechanical fault the unloading of 400 bags had to be done at Bagha Purana.

On the other hand, learned counsel for the complainant contends that the petitioner is manager of the transport company and not the owner of the truck in question as alleged in the FIR.

Learned State Counsel contends that the goods i.e. 400

bags of cement have still not reached their destination.

From a perusal of the documents Annexures R-2/2, R-2/3 and R-2/4 (placed on record in connected CRM-M-33805 of 2015 which is also fixed for today) it is clear that the petitioner is actively engaged in the communications addressed to the transport company and was discharging his duty as a manager thereof. Therefore, the assertion of learned counsel for the petitioner that he has nothing to do with the transport company i.e. KB Roadlines apparently seems to be against the record. The recovery of goods allegedly sold is yet to be effected.

Keeping in view the nature of allegations and the fact that recovery of goods is yet to be effected, no case for anticipatory bail is made out.

Petition is dismissed.

Nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

October 20, 2016
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No